

THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
CENTERS FOR DISEASE CONTROL AND PREVENTION
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

convenes the

TWENTY-NINTH MEETING

ADVISORY BOARD ON
RADIATION AND WORKER HEALTH

APRIL 11, 2005

The verbatim transcript of the Meeting of the
Advisory Board on Radiation and Worker Health held
telephonically on April 11, 2005.

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April 11, 2005

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TRANSCRIPT LEGEND

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-- (sic) denotes an incorrect usage or pronunciation of a word which is transcribed in its original form as reported.

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-- "*" denotes a spelling based on phonetics, without reference available.

-- (inaudible)/ (unintelligible) signifies speaker failure, usually failure to use a microphone.

In the following transcript (off microphone) refers to microphone malfunction or speaker's neglect to depress "on" button.

P A R T I C I P A N T S

(By Group, in Alphabetical Order)

BOARD MEMBERS

CHAIR

ZIEMER, Paul L., Ph.D.
Professor Emeritus
School of Health Sciences
Purdue University
Lafayette, Indiana

EXECUTIVE SECRETARY

WADE, Lewis, Ph.D.
Senior Science Advisor
National Institute for Occupational Safety and Health
Centers for Disease Control and Prevention
Washington, DC

MEMBERSHIP

ANDERSON, Henry A., M.D.
Chief Medical Officer
Occupational and Environmental Health
Wisconsin Division of Public Health
Madison, Wisconsin

DeHART, Roy Lynch, M.D., M.P.H.
Director
The Vanderbilt Center for Occupational and Environmental
Medicine
Professor of Medicine
Nashville, Tennessee

ESPINOSA, Richard Lee
Sheet Metal Workers Union Local #49
Johnson Controls
Los Alamos National Laboratory
Española, New Mexico

GIBSON, Michael H.
President
Paper, Allied-Industrial, Chemical, and Energy Union
Local 5-4200
Miamisburg, Ohio

GRIFFON, Mark A.
President
Creative Pollution Solutions, Inc.
Salem, New Hampshire

MELIUS, James Malcom, M.D., Ph.D.
Director
New York State Laborers' Health and Safety Trust Fund
Albany, New York

MUNN, Wanda I.
Senior Nuclear Engineer (Retired)
Richland, Washington

PRESLEY, Robert W.
Special Projects Engineer
BWXT Y12 National Security Complex
Clinton, Tennessee

ROESSLER, Genevieve S., Ph.D.
Professor Emeritus
University of Florida
Elysian, Minnesota

STAFF/VENDORS

CORI HOMER, Committee Management Specialist, NIOSH
STEVEN RAY GREEN, Certified Merit Court Reporter

AUDIENCE PARTICIPANTS

ADDA, SUSIE
ANDERSON, BOB, IAAP
BEHLING, HANS, SC&A
BEHLING, KATHY, SC&A
BELL, TOM, SC&A
BERRY, MS.(UNINTELLIGIBLE), ANWAG
BROCK, DENISE, UNWW
COOKMEYER, BEVERLY, IAAP
DICKERSON, RICHIE, NIOSH
DORNFELD, DEBBIE, JIM TALENT'S
ELLIOTT, LARRY, NIOSH
FIELD, BILL, UNIV. OF IOWA
FITZGERALD, JOE, SC&A
FUORTES, LAURENCE, UNIV. OF IOWA
GOOD, JANET, IAAP
GRAHAM, PAULA, IAAP
HOMOKI-TITUS, LIZ, HHS
HORGAN, TOM, SENATOR BOND
IVERSON, TROY, IAAP
KEEBER, VICKI
KOTSCH, JEFFREY L., DOL
LOVING, (UNINTELLIGIBLE)
MAURO, JOHN, SC&A
MAKHIJANI, ARJUN, SC&A
MCGOLERICK, ROBERT, HHS
MCKEEL, DAN, MD, WASHINGTON UNIV.
MITAS, JIM, CONGRESSMAN TODD AKIN
NETON, JIM, NIOSH
NUGENT, MARY, GAO
ROBERTS, DELORES, IAAP
RYDER, (UNINTELLIGIBLE), IAAP
SAMSON, BOB, GAO
SCHUMACHER-KORDING, SHARON, IAAP
STAUDT, DAVID, CDC
THOMPSON, KATHLEEN, IAAP
WEINREICH, REBA, IAAP
WILEY, SHIRLEY, IAAP
ZIMMERMAN, SUE, CONGRESSMAN LEACH

P R O C E E D I N G S

(8:00 a.m.)

ATTENDANCE/ROLL CALL

DR. ZIEMER: Cori, would you take the roll call of the Board members, and then we'll ask the other members of the public and staff to identify themselves.

MS. HOMER: Dr. Anderson?

DR. ANDERSON: Present.

MS. HOMER: Dr. DeHart?

DR. DEHART: Present.

MS. HOMER: Mr. Espinosa?

MR. ESPINOSA: Present.

MS. HOMER: Mr. Gibson?

MR. GIBSON: Present.

MS. HOMER: Okay. Mr. Griffon?

MR. GRIFFON: Present.

MS. HOMER: Dr. Melius?

DR. MELIUS: Present.

MS. HOMER: Ms. Munn?

MS. MUNN: Here.

MS. HOMER: Mr. Owens?

(No response)

MS. HOMER: Mr. Presley?

MR. PRESLEY: Here.

MS. HOMER: Dr. Roessler?

1 **DR. ROESSLER:** Here.

2 **MS. HOMER:** Okay. Mr. Owens?

3 (No response)

4 **MS. HOMER:** Okay, and Dr. Ziemer, you're present.

5 **DR. ZIEMER:** Yes, present, thank you. So it appears
6 all the Board members are present with the
7 exception of Mr. Owens.

8 **MS. HOMER:** Correct.

9 **DR. ZIEMER:** And the Designated Federal Official, Lew
10 Wade --

11 **DR. WADE:** Yes, present.

12 **DR. ZIEMER:** -- is present. Could we also now for
13 the record ask the various Federal officials to
14 identify themselves.

15 **MR. ELLIOTT:** Larry Elliott and Jim Neton in
16 Cincinnati.

17 **MS. HOMER:** This is Cori Homer and Richie Dickerson
18 from NIOSH Atlanta.

19 **MR. KOTSCH:** Jeff Kotsch with the Department of
20 Labor, Washington.

21 **MR. STAUDT:** This is David Staudt with CDC in
22 Pittsburgh.

23 **MS. NUGENT:** Mary Nugent with the Government
24 Accountability Office in Chicago.

25 **MR. SAMSON:** Bob Samson, also with GAO, in

1 Washington.

2 **DR. ZIEMER:** Any other Federal officials?

3 **MS. HOMOKI-TITUS:** Liz Homoki-Titus with Health and
4 Human Services.

5 **MR. MCGOLERICK:** Robert McGolerick with Health and
6 Human Services.

7 **DR. ZIEMER:** Okay. Let me ask for Congressional
8 representatives.

9 (Whereupon, two participants began speaking at once,
10 rendering both unintelligible.)

11 **DR. ZIEMER:** I'm sorry, I think we had two people
12 simultaneously there. Could we hear those
13 again?

14 **MS. ZIMMERMAN:** Sue Zimmerman, Congressman Leach's
15 office, Burlington, Iowa.

16 **DR. ZIEMER:** Thank you. Was there another one?

17 **MS. DORNFELD:** Debbie Dornfeld, Jim Talent, Missouri.

18 **DR. ZIEMER:** Any others?

19 **MR. MITAS:** Jim Mitas with Congressman Todd Akin, St.
20 Louis.

21 **DR. ZIEMER:** Thank you. And any others?

22 (No responses)

23 **DR. ZIEMER:** Then let's proceed with members of the
24 public. You all just have to do this somewhat
25 at random. I can't see who's there, so -- and

1 speak very clearly for our reporter, please.

2 **MR. ANDERSON:** (Unintelligible) alphabetically, Bob
3 Anderson, IAAP, Mt. Wheaton*, Illinois.

4 **MS. BERRY:*** (Unintelligible) Berry, Alliance of
5 Nuclear Worker Advocacy Group.

6 **MS. BROCK:** Denise Brock, Missouri, United Nuclear
7 Weapons Workers, for Mallinckrodt.

8 **MS. WEINRICH:** Reba Weinrich, Oaklocka,* Illinois,
9 IAAP, (unintelligible) Iowa.

10 **MS. ADDA:*** Susie Adda, Dothan, Alabama.

11 **MS. ROBERTS:** Delores Roberts, IAAP, Middletown.

12 **MS. GRAHAM:** Paula Graham, IAAP, Fort Madison, Iowa
13 (unintelligible).

14 **DR. FUORTES:** Laurence Fuortes, University of Iowa.

15 **MS. (UNINTELLIGIBLE):** (Unintelligible), Des Moines
16 Register.

17 **DR. MCKEEL:** This is Dan McKeel from St. Louis for
18 the UNWW.

19 **MR. IVERSON:** Troy Iverson, IAAP, West Burlington.

20 **MR. FIELD:** Bill Field, University of Iowa.

21 **MS. THOMPSON:** Kathleen Thompson, Sperry, Iowa, IAAP,
22 Middletown.

23 **MR. (UNINTELLIGIBLE):** (Unintelligible) IAAP,
24 Burlington, Iowa -- or what's -- Middletown,
25 Iowa.

1 **MS. (UNINTELLIGIBLE):** (Unintelligible), Weaver,
2 Iowa, IAAP survivor.

3 **MS. SCHUMACHER-KORDING:** Sharon Schumacher-Kording,
4 (unintelligible), Iowa, IAAP out of Burlington
5 (unintelligible) plant.

6 **MS. GOOD:** Janet Good, Winfield, Iowa, IAAP
7 Middletown, Iowa.

8 **MS. WILEY:** Shirley Wiley, IAAP, Burlington, Iowa.

9 **DR. ZIEMER:** Are there any other members of the
10 public that have not yet identified themselves?

11 **MS. (UNINTELLIGIBLE):** (Unintelligible), IAAP,
12 Burlington, Iowa.

13 **MS. RYDER:*** (Unintelligible) Ryder, IAAP,
14 Burlington, Iowa, survivor.

15 **MS. COOKMEYER:*** Beverly Cookmeyer, IAAP, Burlington,
16 Iowa.

17 **MS. (UNINTELLIGIBLE):** (Unintelligible), Burlington,
18 Iowa, IAAP.

19 **DR. ZIEMER:** Any others?

20 (No responses)

21 **DR. ZIEMER:** Thank you very much. I assume we now
22 have identified everyone... Board. This is
23 Paul Ziemer --

24 **UNIDENTIFIED:** Dr. Ziemer, there are people from
25 SC&A, also.

1 **DR. ZIEMER:** Oh, I didn't mean to overlook them.

2 Please identify those SC&A --

3 **DR. MAKHIJANI:** This is Arjun Makhijani.

4 **MR. (UNINTELLIGIBLE):** This is Bob (unintelligible).

5 **MR. BELL:** Tom Bell.

6 **DR. MAURO:** John Mauro.

7 **MR. FITZGERALD:** And Joe Fitzgerald.

8 **MR. (UNINTELLIGIBLE):** Robert (unintelligible).

9 **DR. BEHLING:** Hans Behling, SC&A.

10 **MS. BEHLING:** Kathy Behling, SC&A.

11 **DR. ZIEMER:** Thank you. We didn't intend to overlook
12 the Board's own contractor here. Any others
13 that we missed?

14 (No responses)

15 **DR. ZIEMER:** Thank you very much. Then let me
16 officially call the meeting to order. This is
17 the meeting of the Advisory Board on Radiation
18 and Worker Health. The agenda for the meeting
19 has been published. The various items on the
20 agenda, the time estimates, are based on our
21 best estimate of how much time would be needed
22 for particular items. However, if we complete
23 items earlier than shown, we'll move ahead
24 sequentially with the next items on the agenda.
25 I do want to provide an initial opportunity for our

1 Designated Federal Official, Lewis Wade, to
2 make some opening remarks, but we're pleased
3 that everyone has joined us this morning and
4 Lew, please add your remarks and then we'll
5 address the agenda directly.

6 **DR. WADE:** Thank you, Paul. I'd like to add my
7 thanks to the Board and the public for joining
8 us. I'd also like to put my apologies out for
9 some of the confusion that involved trying to
10 schedule this meeting. Certainly we know your
11 time is valuable and we appreciate your -- your
12 bearing with us towards this discussion.

13 From my point of view the discussions today really
14 are to -- to make sure that we're all on the
15 same page and we have our thoughts together as
16 we head into our next regularly scheduled Board
17 meeting, which is the 25th, 26th and 27th in
18 Cedar Rapids, Iowa. I think there is important
19 business for us to do, most notably business
20 regarding the Mallinckrodt downtown petition as
21 well as the Iowa petition. And I think it's
22 terribly important that we go into those
23 meetings with everyone being fully aware of the
24 information that will be available, that is
25 available, and have an opportunity now to try

1 and shape that meeting in any way that the
2 Board members feel most appropriate. We will
3 end -- we will have a discussion today of a
4 very tentative agenda for that meeting to be
5 sure that we have allotted adequate time in the
6 right sequence for the discussions and reaching
7 closure on those most important items.

8 So again, welcome, and thank you.

9 **DR. ZIEMER:** Thank you very much, Lew. Board
10 members, as we proceed for the -- particularly
11 for the benefit of Ray, our recorder, please,
12 every time you speak, be sure to identify
13 yourself so that we have that correctly on the
14 record.

15 I also want to remind everyone that the thrust of
16 what we are doing today has to do with process.
17 We want to make sure that -- because there have
18 been some subcommittee meetings that have
19 ensued since our last full Board meeting, and
20 there are some various recommendations that are
21 underway. And we want to make sure that the
22 Board is fully apprised of not only those
23 activities but activities of the contractor,
24 and to make sure that we all are in -- in some
25 level of agreement on how to proceed on several

1 issues.

2 **REVIEW STATUS OF ACTIVITIES RELATIVE TO IAAP AND**

3 **MALLINCKRODT**

4 Now let's turn to the agenda , which the first item
5 is to review the status of activities relative
6 to the Iowa and to the Mallinckrodt petitions.
7 We'll start with the Iowa.

8 First of all, Board members received from me on March
9 16th a memo which apprised them of a
10 development that occurred after our Board
11 meeting. You may recall that at the Board
12 meeting a recommendation was developed that, in
13 essence, was to go to the Secretary of Health
14 and Human Services through the Director of
15 NIOSH recommending Special Exposure Cohort
16 status for the Iowa petitioners, at least for
17 the defined time when the radioactivity was
18 there. That -- after that --

19 **THE OPERATOR:** Excuse me, this is the operator.

20 **DR. ZIEMER:** Yes, operator?

21 **THE OPERATOR:** I have a Richard Espinosa that did not
22 have the pass code. Does he belong on?

23 **DR. ZIEMER:** Yes, Richard Espinosa --

24 **THE OPERATOR:** I'll join him on.

25 **DR. ZIEMER:** -- should -- should be aboard.

1 **THE OPERATOR:** I'll join him on. Just one moment.

2 **DR. ZIEMER:** Thank you.

3 **THE OPERATOR:** He's on now, sir.

4 **DR. ZIEMER:** Good morning, Rich, we've -- we have
5 already started, as --

6 **MR. ESPINOSA:** Yeah, I got cut off and I didn't
7 remember the pass code.

8 **DR. ZIEMER:** Okay. Well, we're just getting underway
9 on the agenda.

10 In any event, the development in the Iowa petition
11 had to do with the review of the revision of
12 the site profile or the -- the document that
13 had been presented to us, and thus we had a --
14 what you might call a new review by NIOSH to
15 consider.

16 In addition -- one of the main thrusts of our
17 recommendation had to do, as you know, with the
18 transparency issue and the issue of whether or
19 not the dose reconstruction information could
20 indeed be made public. Now the new document
21 came along and indicated that there was a
22 revised site profile and that the post--
23 information that the post-1962 information had
24 been cleared for classification purposes. So
25 on that basis the Chair was concerned about the

1 probability that we would have a recommendation
2 to the Secretary that was based on a different
3 set of information and assumptions than NIOSH's
4 recommendation to the Secretary. And remember,
5 the Secretary uses both of those pieces of
6 information to make a determination. Further,
7 when our recommendation goes forward it starts
8 the clock on when the Secretary must make the
9 determination.

10 So in light of that, the Board felt -- or the Chair
11 felt it was important that we have a chance to
12 evaluate the revised site profile and the issue
13 of transparency for the post-1962 information,
14 as well as the quality of that data, which --
15 some extent we had not fully looked into simply
16 'cause the transparency issue seemed to be
17 overriding.

18 But in any event, that -- that was a decision that
19 the Chair made. I'm aware that not all the
20 Board members necessarily agreed with the
21 Chair's decision on that, but we had not had an
22 opportunity to actually meet and seek formal
23 action one way or the other.

24 Now in the meantime, since we knew that we had this
25 new site profile, I -- I've discussed with Lew

1 Wade, our Designated Federal Official, as to
2 whether or not we could have our contractor
3 move quickly to help us evaluate this new
4 information so that we would have it by the
5 time of our next meeting. So -- let's see, I
6 think it might be appropriate if -- I'm just
7 going to open this to comments from the Board,
8 but I do wonder -- Lew, you might add anything
9 to that in terms of subsequent action with our
10 contractor.

11 **DR. WADE:** I would -- this is Lew Wade. When Paul
12 made the decision that he just spoke to you
13 about, and I was aware of that decision, it did
14 -- it occurred to me that the process would be
15 best served by having the Board's contractor
16 look at the Rev. 1 of the Iowa TBD, the
17 document that -- that Paul just referred to. I
18 would have preferred that the Board ask SC&A to
19 do that, but there really wasn't time to get
20 the Board together, so I took it upon myself --
21 and I have that authority as the Technical
22 Project Officer -- to ask SC&A to begin
23 immediately to review the Iowa Technical Basis
24 Document. I asked them to do that under the
25 site profile review task of the contract that

1 was already in place.

2 Also understanding that that review would likely
3 require that SC&A individuals would have to
4 review classified information as, you know, the
5 nature of the classified information is
6 critical to a number of decisions the Board
7 will face, we expedited the activity to see
8 that the two appropriate SC&A people were with
9 classification, and they do have that -- that Q
10 clearance now and when later we talk about
11 events that will follow, we can talk a little
12 bit about that.

13 **DR. ZIEMER:** Let me interrupt here. We're getting
14 some background noise of crying babies. I
15 wonder if this -- does one of the members of
16 the Board or the public have a child who's --
17 are others hearing this?

18 (Multiple affirmative responses)

19 **DR. ZIEMER:** Could we ask whoever has the crying baby
20 to please either mute their phone or remove
21 themselves for now from the line? Thank you.
22 Proceed.

23 **DR. WADE:** Okay, sure. As I was saying, I took it
24 upon myself to ask SC&A to commence such a
25 review. I mean in no way was I attempting to

1 usurp the Board's responsibility and its unique
2 relationship with the contractor. I just felt
3 due to the occurrence of events, the very tight
4 time lines, that it was -- it was the right
5 thing to do. Again, if the Board wishes, we
6 can (unintelligible due to electronic
7 interference on telephone line) as this is the
8 first time that the Board is together.

9 I was also in my mind looking at paralisms (sic)
10 between our Mallinckrodt actions and processes
11 as well as Iowa. And as you know, we'll talk
12 more about it, we have a revised Mallinckrodt
13 site profile and we will have -- for the April
14 23, 24th and 25 meeting -- an SC&A review of
15 that site profile. And I thought it would be
16 in the best interests of this overall process
17 to see paralism in terms of Iowa, the Iowa TBD
18 and an SC&A review. So I took that action.
19 Again, if the Board wishes to rescind that
20 action, it can do so today.

21 I would like to thank John Mauro and his very
22 professional staff for their understanding and
23 their willingness to work in a very expedited
24 way to bring quality product to the Board to
25 assist the Board's deliberation.

1 Again I'd point out that what I asked SC&A to do, I
2 asked them to do under the site profile review
3 task. We don't really have an active SEC
4 review task in place in the contract. We will
5 talk about that today and hopefully have such a
6 task in place very quickly, but I asked them to
7 do this under the site profile review task.

8 So again, those are the actions I took. I took them
9 looking at a fair, balanced and open process.
10 I do apologize for the action, particularly --
11 I know Board members feel that SC&A is,
12 quote/unquote, their contractor. My action was
13 not intended to -- to modify that belief. It
14 was just to put something in place that I
15 thought served what we were trying to do.
16 That's all.

17 **DR. ZIEMER:** Okay, let me open it to the Board
18 members for comments or questions on this
19 proceeding on the Iowa material.

20 **UNIDENTIFIED:** Hello?

21 **MR. GIBSON:** Dr. Ziemer, this is Mike Gibson.

22 **DR. ZIEMER:** Yes, Mike.

23 **MR. GIBSON:** I think this perhaps -- and you have the
24 -- kind of the chronology of events in front of
25 you it may be helpful to go over for the Board

1 and the public and the government officials,
2 the time -- kind of the time frame that went
3 on, you know, in our February 9th meeting, you
4 know, when we voted on the SEC petition --

5 **DR. ZIEMER:** Yes, I have some of that --

6 **MR. GIBSON:** -- when we determined that NIOSH --

7 **DR. ZIEMER:** -- Larry Elliott or -- or Lew Wade could
8 help fill in, but we met on February 9th and
9 that's when our action was taken. Correct?
10 And then on February 14th it's my understanding
11 that that was the date that DOE informed NIOSH
12 that they, DOE, had made a determination on the
13 revised site profile that -- basically that
14 it's -- is considered to be unclassified. I
15 think what happened technically was that DOE
16 did not redact any material from that, so in
17 essence it became fully unclassified. So that
18 was on March 14th.

19 I was informed of that I think on the 15th and that -
20 - and that there now was this revision of the
21 site profile. Now keep in mind, a revision
22 existed prior to our Board meeting, but none of
23 us had seen it because of the classification
24 issue. So the information that became
25 available was that -- that this revised site

1 profile now was available for the Board to
2 view. And as a result of that, I wrote the
3 letter on March 16th -- or dated March 16th, I
4 began drafting it right away -- but on March
5 16th I sent by e-mail the letter to all the
6 members of the Board informing them of this
7 information and also informing them that I've
8 talked -- that I had talked with John Mauro of
9 SC&A and with Lew Wade to see whether or not we
10 could enlist SC&A's assistance in evaluating
11 this revised site profile. So that -- that
12 occurred on the 16th.

13 Then let's see, what would -- what has occurred
14 since, I guess?

15 **MR. GIBSON:** Excuse me, Dr. Ziemer, so we -- we made
16 our recommendation on the 9th of February.

17 **DR. ZIEMER:** Right.

18 **MR. GIBSON:** DOE informed NIOSH on February 14th,
19 five days later --

20 **DR. ZIEMER:** Right.

21 **MR. GIBSON:** -- and it wasn't till a month later that
22 NIOSH approved the revised site profile
23 (unintelligible) --

24 **DR. ZIEMER:** I believe that -- correct. I believe
25 that there was a month time period after it had

1 been released by DOE where NIOSH had, I
2 presume, an internal review -- and Larry or Lew
3 could speak to that -- and -- and then it was
4 released on March 14th and on the 16th I
5 started this process of -- be -- because in the
6 meantime I had been working with material --
7 Jim Melius had assisted in drafting some
8 wording, and I had Jim's wording and had
9 drafted materials -- I actually had it ready to
10 send out when this new material came and -- and
11 then we made the contact immediately, I think
12 probably that day, with SC&A to see whether
13 they could assist in reviewing this in time for
14 our upcoming Board meeting in -- in April.

15 **DR. WADE:** Now I could talk a little bit -- and
16 Larry, please correct me if I -- if I misspeak
17 about the time frame from mid-February to mid-
18 March. DOE approved the IAAP Rev. 1 -- it
19 approves it in non-electronic form. An
20 electronic version needed to be generated,
21 including the reconstitution of the tables, and
22 then that document went through an in-depth
23 review by the OCAS and ORAU staff until it was
24 finally cleared by the OCAS Associate Director
25 of Science on March 14th. So the period from

1 February 14th to March 14th was taken up in
2 generating an electronic document and then
3 getting that document in-depth reviewed.
4 Larry, is that correct?

5 **MR. ELLIOTT:** Yeah, Lew, that is -- you're very
6 correct. That's correct.

7 **MR. GIBSON:** This is Mike Gibson again. Just one
8 concern I want to be placed on the record is
9 that, you know, once the Board made a
10 recommendation, there was information that
11 subsequently or became available, and that in
12 essence delayed what the Board's recommendation
13 was to do. Whether or not it was to start a
14 time clock sending a letter to the Secretary or
15 -- I just believe that perhaps NIOSH should
16 have informed our Chairman so that our Chairman
17 could have informed us that -- and gave the
18 Board the decision maybe not to go forward with
19 the letter if that was appropriate due to this
20 additional information, but not just to be left
21 in the dark to where we get carbon'd in on
22 letters from concerned Congressmen and
23 Senators, which -- very appropriate on their
24 part when (unintelligible) happened in public,
25 it just -- to me, it -- I look at it personally

1 as it -- it -- it speaks to the credibility of
2 the Board and we were left in the dark about
3 that and I just -- I just think there can be a
4 better process put in place that would keep
5 this from happening in the future.

6 **DR. ZIEMER:** I think your point is well taken, Mike,
7 and -- this is Ziemer again. Your point is not
8 only well taken, but we may need to consider
9 some sort of a formal process as to how we
10 handle such situations in the future,
11 particularly where information emerges that --
12 that could have an impact on our
13 recommendation. This -- in a sense, there's no
14 real precedent one way or the other on this
15 beyond simply trying to use best judgment and
16 say what do we do now that we have this
17 information. But --

18 **DR. WADE:** Might I ask, Liz, if you could briefly
19 explain for us the process that begins when the
20 Board submits a recommendation to the Secretary
21 and the time clock that's started? Again, I
22 think it's important that everyone understands
23 that.

24 **MS. HOMOKI-TITUS:** Certainly. This is Liz Homoki-
25 Titus with Health and Human Services. In

1 accordance with the 2005 Defense Authorization
2 bill, once the Advisory Board sends a
3 recommendation to the Secretary, a 30-day clock
4 is triggered and the Secretary has to
5 (unintelligible) a final decision to Congress,
6 assuming that the Advisory Board's
7 recommendation was to add a class. If the
8 Advisory Board's recommendation is to not add a
9 class, then there is no process triggered. Is
10 that enough or do you want (unintelligible) --

11 **DR. WADE:** Mike, I think your point is extremely
12 well-made and -- and I just think as we
13 consider what the right way to do things would
14 be in the future, it's important to keep that
15 clock in mind because it does potentially
16 dictate certain outcomes that we want to be
17 aware of.

18 **MR. GIBSON:** This is Mike Gibson again. I'm well
19 aware of the time constraints and the time
20 limitations in the -- in the bill. There
21 again, I think that should be -- and I don't --
22 speaking personally as a Board member, I'm not
23 speaking for the Board, I don't want to send up
24 something that is inadequate that may have an
25 adverse effect on a SEC petition for potential

1 claimants. But I just -- again, I think that
2 there's just -- this is a Board decision to say
3 this is something that needs to be transparent
4 and we all need to take that -- be made aware
5 of that, and you know, again, I don't -- I
6 don't want to start a bogus time clock that
7 could potentially impact something, but again,
8 it was just -- it was just the way this -- this
9 happened. It just really -- I want the Board
10 to have credibility with the public 'cause we
11 have a job to do that we were appointed by the
12 President and I want that, you know, just as a
13 body to be made aware and let us make the
14 determination as to what goes on.

15 **DR. ZIEMER:** Thank you, Mike. Let me ask if there's
16 other comments or questions from other Board
17 members on this issue or related to this.

18 **DR. MELIUS:** This is Jim Melius. I would just add
19 that we should add to our agenda for the next
20 meeting the end of April that this be discussed
21 and we work out these procedures.

22 **DR. ZIEMER:** Yeah, we can -- we can certainly do
23 that, and what -- it would seem to me that what
24 is needed is some sort of process that
25 stipulates in advance how we will handle --

1 particularly documents that emerge like this
2 one did and that may seem to impact on a
3 recommendation in some way. It may or may not
4 impact, but we don't always know that in
5 advance.

6 **DR. ANDERSON:** This is Dr. Anderson. Paul, I mean
7 the other issue is we weren't aware that there
8 was a revised version when we went over the
9 first one. It would seem that we probably
10 ought to, if -- if something has been written
11 and in review, it seems we ought to wait for
12 that document before moving forward on an issue
13 like this.

14 **DR. WADE:** Well, just to make the record clear --
15 this is Lew Wade -- Henry, I think you were
16 connected by phone, but Larry Elliott I think
17 did make it very clear on the record that --
18 that this revised TBD was in the offing, so I
19 think the Board was aware of that information.

20 **DR. ZIEMER:** But at that time we had --

21 **DR. ANDERSON:** I may have missed that.

22 **DR. ZIEMER:** -- no clue as to the outcome nor the
23 timetable, did we?

24 **DR. WADE:** No.

25 **MR. ELLIOTT:** This is Larry Elliott. At the February

1 9th meeting I wanted the Board and the public
2 to understand that we did have a revised site
3 profile developed and under review by the
4 Department of Energy to determine if it was a
5 classified document or not. And in that -- in
6 that message, I thought I had also indicated
7 that we had modified that site -- made that
8 revision to the site profile based upon input
9 that we got from workers at Iowa in a couple of
10 town hall situations -- or one town hall
11 meeting and then a worker outreach meeting.
12 And we took those comments very seriously and
13 started to address those back in -- we heard
14 those comments in July of last year, June and
15 July of last year, and then we started to
16 address those comments in August and through --
17 on through October. Then we went into the
18 secure setting with DOE and the records that
19 were used -- the classified records that were
20 used to come up with a revised site profile
21 that we hoped was non-classified. So I'd just
22 offer that, Henry. I think you perhaps missed
23 part of that because of the phone connection.

24 **DR. WADE:** This is Lew Wade again. I'd just like to
25 say on the record I think the Board took

1 appropriate action. I'm not judging the -- the
2 -- you know, the act-- the -- the
3 recommendation specifically, but I think the
4 Board took appropriate action based upon
5 information at hand, and then the events that
6 Paul described took place. And I think Dr.
7 Melius is correct, we need to anticipate such
8 actions, but I think Mike is also correct that
9 we can always do these things better.

10 **DR. ZIEMER:** Other comments from Board members?

11 (No responses)

12 **DR. ZIEMER:** Now at the upcoming meeting, what we
13 will have then -- be this revision of the site
14 profile. We will have -- we expect to have a
15 review of that site profile from SC&A, and I
16 believe all of the Board members at this
17 juncture have already received from SC&A its
18 preliminary set of questions. I don't know
19 that those questions have been fully developed.
20 I think SC&A was raising a number of issues
21 with NIOSH and attempting to resolve those, but
22 let me ask John Mauro if he would -- or one of
23 the SC&A staff -- to comment on the status of
24 that review process.

25 **DR. MAURO:** Yes, this is John Mauro. We had prepared

1 two memos which listed approximately 65
2 questions and issues. That was delivered on
3 March 22nd, and then another one on March 31st.
4 And those issues were discussed at a three-hour
5 conference call on Friday, this -- this past
6 Friday. Simultaneously arrangements
7 (unintelligible) ongoing dialogue regarding
8 those. By the way, that was -- that conference
9 call was recorded and a transcript will be made
10 available. There were representatives of
11 NIOSH, of course SC&A, and also representatives
12 of the Board on that conference call.

13 Of the approximate 60 or so questions, I would say
14 perhaps 50 of the -- 50 percent of them, half
15 of them, we were able to engage in a technical
16 dialogue and get some clarification, and the
17 other 50 percent had to be put on hold because
18 they dealt with classified issues. As you can
19 imagine, that was -- the conference call was
20 not (unintelligible) conference call by any
21 means, we just discussed non-classified
22 information.

23 This Tuesday two of our members and two members of
24 the Board -- tomorrow -- will be going to
25 Germantown to spend a day reviewing the

classified documents. A team of -- in fact, we have arranged such that we have a team of people working on the classified information and a team of people working on the non-classified information, which basically is a break point at around 1962 where one group is looking at all the information that really affects the pre-'62 time frame and another group is working on the unclassified information which primarily bears on the post-'62 time frame. The document is -- our report is well under way. It is being written and we hope to have -- we're -- we're hopeful that we're able to accomplish what we'd like to accomplish tomorrow and -- and have access to the information we need. We are concerned that we may need more time to look at the classified documents, but we have every intention of putting out a report as complete as possible by a week from today for the Board and NIOSH to review in anticipation of the upcoming meeting in Iowa.

DR. WADE: This is Lew Wade. Just to follow on, John, it's my understanding that there is a call also scheduled for 10:00 o'clock on

1 Wednesday -- again for SC&A, NIOSH and Board
2 members to engage in discussion on the types of
3 issues that John mentioned -- after the
4 classified review takes place on Tuesday. And
5 again, that will be reported and a transcript
6 made available of that call. Is that correct,
7 John?

8 **DR. MAURO:** That's correct. I apologize, I
9 overlooked that. That's correct.

10 **DR. WADE:** And if there does need to be subsequent
11 interaction between NIOSH and SC&A, my
12 commitment to the subcommittee that met
13 recently was that we would let the Board know
14 of such calls and we would keep a record of all
15 such interactions.

16 **DR. ZIEMER:** This is Ziemer again. Let me ask if
17 there's other questions or comments on the Iowa
18 or on the (unintelligible) process. As Lew's
19 indicated earlier, the Board has the
20 prerogative of requesting that the Chair
21 proceed with the original recommendation. Or
22 if there is no objection, we would proceed with
23 this process that's gotten underway to review
24 the revised document and then come up with a --
25 the final determination at the next meeting.

1 But I think we would, you know, like to have
2 some level of consensus as -- how we proceed on
3 this Iowa petition and -- and (unintelligible).

4 **MR. ANDERSON:** Dr. Ziemer, Bob Anderson.

5 **DR. ZIEMER:** Yes?

6 **MR. ANDERSON:** A point of order, should not the Board
7 -- if it intends to stay an advisory board,
8 should it not pass at this time a motion that -
9 - to hold the first motion so they're not a
10 neutered board and go forward from that point?

11 **DR. ZIEMER:** Well, I'm basically asking the Board
12 what they wish to do, so...

13 **MR. ANDERSON:** Thank you, Doctor.

14 **DR. ZIEMER:** Thank you.

15 **MS. MUNN:** This is Wanda Munn.

16 **DR. ZIEMER:** Yes, Wanda.

17 **MS. MUNN:** This is a thorny issue. I think it's
18 difficult for everyone to deal with. I
19 personally appreciate Dr. Wade's action to go
20 ahead and get an additional review underway
21 based on the action of the Department of Energy
22 taken after our previous meeting. It certainly
23 was confusing for me for a week or so as to
24 (unintelligible) because we didn't have any way
25 of fully understanding, even though I was

1 vaguely aware of the statement that Dr. (sic)
2 Elliott had given us earlier about the
3 existence of the additional document that we
4 had not been able to review because of
5 classified issues.

6 I don't know of any simple way to get around the
7 difficulty that arises when these circumstances
8 occur in this chronological order, and know it
9 is -- if it's confusing for us, it must be
10 doubly so for the public and for other people
11 who have very closely-held interests in what
12 we're doing here. I look forward for an
13 opportunity for us to establish a better kind
14 of process trying to second-guess the potential
15 for these types of circumstances in the future.
16 In the interim, my personal feeling is that
17 we're on the right road. I think it's improper
18 for us to continue with the recommendation that
19 we made at our prior face-to-face meeting in
20 light of the fact that we now have additional
21 status of information that was not on the table
22 at the time we had our earlier discussions.

23 So I guess that's a long way of saying although it's
24 confusing and I wish it had not happened that
25 way, I believe that the process that's ongoing

1 right now is (unintelligible).

2 **DR. ZIEMER:** I didn't hear the -- Wanda, are you
3 still there?

4 MS. MUNN: Yes, I am.

5 DR. ZIEMER: Okay. I didn't hear the end of that.
6 There seemed to be some noise, but did you
7 finish your statement?

8 **MS. MUNN:** Yes, I did. It was long-winded, for which
9 I apologize. It's very early on the west
10 coast.

11 **DR. ZIEMER:** Let me ask for other comments or any
12 actions?

13 UNIDENTIFIED: (Unintelligible)

14 DR. ZIEMER: Who is it?

15	(No responses)
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16 **DR. ZIEMER:** Did somebody ask to make a motion?

17 **MS. MUNN:** Someone made a comment about it, but I
18 don't think anyone was asking to make a motion.

19 DR. ZIEMER: Other Board members have comments?

20	(No responses)
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21 **DR. ZIEMER:** Do any of the Board members wish to make
22 specific motion or motion regarding the process
23 on the Iowa petition?

24 MS. MUNN: I will move that we withhold further
25 official action until we have had an

1 opportunity to read the review of the now-
2 available documentation.

3 **DR. ZIEMER:** You've heard the motion from Ms. Munn.
4 Is there a second?

5 **MR. PRESLEY:** This is Bob Presley. I'll second.

6 **DR. ZIEMER:** Any discussion?

7 **MR. GIBSON:** This is Mike Gibson. I have a little
8 bit of a discussion.

9 **DR. ZIEMER:** Sure.

10 **MR. GIBSON:** I -- I think we should wait until we
11 have a chance for the Board or a working group
12 or a subcommittee to get together and develop a
13 task order for our contractor on what we want
14 them to do review, not only on Iowa but also on
15 the Mallinckrodt site profiles. You know, I
16 understand that Dr. Wade has the authority to
17 go ahead and ask them to review various things,
18 but -- but again, I just want to point out that
19 it's -- it's our duty to be auditors, so to
20 speak, of what the government agencies are
21 doing. And I think that we should be the ones
22 to develop a task order to tell our contractor
23 what we want them to review and find -- and
24 give them our set of questions on what we want
25 them to review so that we can independently

1 develop Board consensus and give our opinion to
2 NIOSH and to ultimately to the Secretary or
3 whoever.

4 **DR. WADE:** Mike, this is Lew Wade. I mean I would
5 welcome that action. I would hope we could
6 discuss that today, and you know, I would
7 welcome the Board developing its questions for
8 its contractor with regard to Iowa or
9 Mallinckrodt or any action.

10 The only thing I would remind you is that we're doing
11 both of those reviews under the task that looks
12 at site profile reviews.

13 **DR. ZIEMER:** Yeah, SC&A is currently working under an
14 existing task that the Board has approved. The
15 tasks themselves are worded rather broadly so
16 that we're able to ask SC&A to review the
17 revised site profile under the existing site
18 profile task that the Board has in fact
19 approved. But we do have, you'll notice on the
20 agenda, whether or not we should have a
21 specific task for Special Exposure Cohort work,
22 which would be more directly focused on Special
23 Cohort petition review. So the comment's
24 certainly in order and it may be, Mike, that we
25 can even do that here today is to develop, at

1 least conceptually, the wording that would --
2 or the scope of what the task for Special
3 Cohort petition reviews would look like.

4 **DR. WADE:** And this is Lew Wade again --

5 **DR. ZIEMER:** Because otherwise, you know -- well, in
6 a sense -- are you asking or -- asking that we
7 would not (unintelligible) --

8 **MR. GIBSON:** I'm sorry, Dr. Ziemer, I didn't hear
9 you.

10 **DR. ZIEMER:** Yeah, we're getting a lot of noise on
11 the line. At the next -- if we wait till the
12 next meeting, then all of this comes to a
13 screeching halt. But if we're able to do
14 something today, that would be helpful.

15 **DR. WADE:** And just -- this is Lew Wade. Just by way
16 of clarification, I think it would be
17 appropriate for the Board, under the existing
18 task -- that is site profile review as it
19 relates to Iowa and then also Mallinckrodt --
20 to frame some questions it would like the
21 contractor -- their contractor to consider in
22 that review. I've alerted David Staudt to the
23 fact that this discussion might take place. It
24 would finally be up to the contracting office
25 to determine if those questions are

1 appropriate. But I think as Paul mentioned
2 there is a great leeway available to the Board
3 in framing such questions.

4 The second issue is I think we need to move with some
5 dispatch to get a task in place for SC&A to do
6 the kind of things the Board would like it to
7 do for Special Exposure Cohorts. And again,
8 that's an agenda item for this call and if
9 we're able to come to some agreement -- the
10 Board is able to come to some agreement, it
11 might be possible for us to have that task in
12 place by the time we get together in -- at the
13 end of April.

14 **MS. MUNN:** This is Wanda Munn again. I don't think
15 that Mike's comments are in any way at odds
16 with the intent of the motion that I just made.
17 I will comment that having been one of the
18 Board members on line at the time the questions
19 posed by John Mauro and his group were
20 discussed, I find the questions that have
21 already been posed with regard to the Iowa
22 petitions are in-depth and quite broad. Having
23 read them and been a part of the discussion, I
24 individually am satisfied that scope is
25 adequate, but I do agree that it's appropriate

1 for the Board to have an opportunity to pose
2 its own questions.

3 **DR. ZIEMER:** Yes, and keep in mind -- just to
4 emphasize, Mike -- we did have Board members
5 involved in all of these interactions, albeit
6 not the full Board because we couldn't do that
7 without having an official meeting. We've had
8 several Board members at each of these
9 interactions to make sure that there's some
10 Board input to -- to unrolling the process.
11 The motion before us -- Ms. Munn's motion is to --
12 was it to withhold action on the Iowa petition
13 until our next meeting?

14 **MS. MUNN:** No, it was to --

15 **DR. ZIEMER:** What was the wording on that?

16 **MS. MUNN:** -- to withhold any notice to the Secretary
17 until we've had an opportunity to review.

18 **DR. ZIEMER:** The Secretary until we've had further
19 opportunity to review.

20 **DR. ANDERSON:** I wonder if we couldn't just make that
21 -- this is Dr. Anderson -- till the next
22 meeting, Wanda?

23 **MS. MUNN:** Yes, that was my intent --

24 **DR. ANDERSON:** Well, let's --

25 **MS. MUNN:** -- until our next face-to-face meeting.

1 **DR. ANDERSON:** -- specifically put that in, that if -
2 - it'll just delay sending the letter until
3 after the next meeting.

4 **MS. MUNN:** Correct.

5 **DR. ZIEMER:** Yes, I -- let's take that as a friendly
6 amendment that the motion includes the intent
7 to act at the next meeting.

8 Is there further discussion pro or con on the motion?

9 **DR. ANDERSON:** This is Andy again. I guess how I
10 viewed it as that what we've done would stand
11 unless at the next meeting, after we've been
12 through the review, there's a need to revise it
13 in some way.

14 **DR. ZIEMER:** Yeah, the action --

15 **DR. ANDERSON:** (Unintelligible) --

16 **DR. ZIEMER:** -- this would not rescind the action.

17 **DR. ANDERSON:** -- till we've changed it, and this
18 time we haven't changed it, we're --

19 **DR. ZIEMER:** That's correct.

20 **DR. ANDERSON:** -- delaying sending the letter.

21 **DR. ZIEMER:** That's correct. Further discussion, pro
22 or con?

23 (No responses)

24 **DR. ZIEMER:** Does anyone wish to speak against the
25 motion? Or are the Board members ready to act

1 on Ms. Munn's motion?

2 (No responses)

3 **DR. ZIEMER:** I'll take the silence to -- they're
4 either ready to vote or all asleep. Right? We
5 appreciate -- Wanda Munn is -- what is it, 5:30
6 in the morning out there or --

7 **MS. MUNN:** Uh-huh.

8 **DR. ZIEMER:** -- 6:30 in the morning or something?
9 Anyway -- okay, let me call for a vote on this
10 motion.

11 All in favor of -- oh, we'll have to do it by roll
12 call. Cori --

13 **MS. HOMER:** Yes.

14 **DR. ZIEMER:** -- take the roll call here, starting
15 alphabetically.

16 **MS. HOMER:** Dr. Anderson?

17 **DR. ANDERSON:** Yes.

18 **MS. HOMER:** Dr. DeHart?

19 **DR. DEHART:** Yes.

20 **MS. HOMER:** Mr. Espinosa?

21 **MR. ESPINOSA:** Yes.

22 **MS. HOMER:** Mr. Gibson? Mr. --

23 **MR. GIBSON:** I'll abstain.

24 **MS. HOMER:** -- Gibson? I'm sorry?

25 **MR. GIBSON:** I'll abstain.

1 **MS. HOMER:** Okay. Mr. Griffon?

2 **MR. GRIFFON:** Yes.

3 **MS. HOMER:** Dr. Melius?

4 **DR. MELIUS:** I -- I abstain.

5 **MS. HOMER:** Ms. Munn?

6 **MS. MUNN:** Yes.

7 **MS. HOMER:** Dr. -- or Leon Owens, Mr. Owens?

8 (No responses)

9 **MS. HOMER:** He's still not in attendance. Mr.

10 Presley? Mr. Presley?

11 (No responses)

12 **DR. ZIEMER:** Did we lose Robert?

13 **MS. HOMER:** We may have lost him.

14 **MR. PRESLEY:** Yes.

15 **MS. HOMER:** Okay. Dr. Roessler?

16 **DR. ROESSLER:** Yes.

17 **MS. HOMER:** Dr. Ziemer?

18 **DR. ZIEMER:** Yes.

19 **MS. HOMER:** Okay, the -- the ayes have it.

20 **DR. ZIEMER:** The motion carries, and we will then

21 continue at the next meeting to have the

22 opportunity to have the input on the -- on the

23 revised document, the input from our

24 contractor, and then make a determination as to

25 whether or not that in any way affects the

1 previous action of the -- of the Board.

2 **DR. WADE:** Dr. Ziemer, this is Lew Wade. I guess a
3 question and then a comment. Do I assume by
4 this motion that it is appropriate to allow
5 SC&A to continue its work as -- as they
6 started? And then my comment is I do think it
7 would be appropriate for the Board to have some
8 discussion of whether or not there are
9 particular questions they would like to pose to
10 SC&A on this matter. Ms. Munn defines the
11 process as acceptable to her, from her point of
12 view, as it's unfolding. If that's the case, I
13 would just like to hear some discussion of
14 that.

15 **MS. MUNN:** Wanda. I had thought I had incorporated
16 in the motion that we'd proceed with the
17 activities that are underway. If I failed to
18 incorporate that, that was my intent.

19 **DR. WADE:** Oh, no. Okay. Thank you.

20 **DR. ZIEMER:** Well, perhaps it would be useful -- I
21 don't know whether that was understood by
22 everyone. I think the -- the thrust of the
23 vote may have been directed more toward whether
24 or not to withhold the action until the next
25 meeting --

1 **MS. MUNN:** Yes --

2 **DR. ZIEMER:** -- but it would be helpful to get some
3 clarity on whether we should have the
4 contractor proceed with the review.

5 **MR. PRESLEY:** Bob Presley, I --

6 **DR. ZIEMER:** And -- and to frame specific issues, if
7 there are additional -- and particularly beyond
8 the set of questions which were developed by
9 the contractor and with some input from Board
10 members. I believe -- believe Mark Griffon and
11 Wanda and Robert were -- were all involved in
12 that, were you not?

13 **MR. PRESLEY:** (Unintelligible)

14 **MS. MUNN:** (Unintelligible)

15 **MR. GRIFFON:** I wasn't on that call. This is Mark
16 Griffon.

17 **DR. ZIEMER:** I'm sorry?

18 **MR. GRIFFON:** I wasn't able to get on that call.

19 **DR. ZIEMER:** You weren't on that call.

20 **MS. MUNN:** I was there.

21 **MR. PRESLEY:** This is Bob Presley. I was there.

22 **DR. ZIEMER:** Yes. So --

23 **MR. PRESLEY:** (Unintelligible) --

24 **DR. ZIEMER:** -- what's the Board's pleasure on the
25 issue --

1 **MR. PRESLEY:** -- motion (unintelligible) that effect.

2 **DR. ZIEMER:** Say it again.

3 **MR. PRESLEY:** Would you like to have a motion to that
4 effect?

5 **DR. ZIEMER:** That would be in order.

6 **MR. PRESLEY:** I'll go ahead and make that motion that
7 we go ahead and let SC&A continue their work.

8 **DR. ZIEMER:** Motion to (unintelligible) SC&A to
9 continue their review of the revised Iowa
10 petition as previously outlined?

11 **MR. PRESLEY:** That's correct.

12 **DR. ROESSLER:** I second it.

13 **DR. ZIEMER:** Seconded by Dr. Roessler.

14 **MR. ELLIOTT:** Excuse me, Paul, this is Larry Elliott.
15 I -- you just said petition and I think you
16 wanted to say site profile.

17 **DR. ZIEMER:** I'm talking about the -- not the
18 petition but the Technical Basis Document
19 revision, which is basically the site profile
20 revision. Be TBA Rev. 1, I guess, is it -- or
21 Rev. 0? What's the correct --

22 **MR. ELLIOTT:** Rev. 1, this is Larry Elliott. Rev. 1.

23 **DR. ZIEMER:** TBA Rev. 1 for Iowa. So that would be
24 the motion. It's been seconded. Is there
25 discussion?

1 **MR. GIBSON:** This is Mike Gibson again. I -- you
2 know, I do not want to slow down any of this
3 work because I think this process needs to move
4 ahead, I think, so that we can hopefully get
5 these claimants compensated that deserve
6 compensation.

7 **UNIDENTIFIED:** (Unintelligible) of the IAAP and I'm
8 with the ammunition plant and --

9 **DR. ZIEMER:** I'm sorry?

10 **UNIDENTIFIED:** -- (unintelligible).

11 **DR. ZIEMER:** We have a Board discussion ensuing.
12 Please -- go ahead, Mike.

13 **MR. GIBSON:** Again, I -- I don't want to delay the
14 process, to slow it down in any way because I
15 believe we need to get this done, we need to do
16 our duty so we can see the people get
17 compensated that deserve compensation.
18 However, I -- SC&A continuing to spend the
19 resources that we have allotted to -- that
20 NIOSH has allotted to them without the Board
21 giving them direction what we want them to do -
22 - I'm just concerned about it eating up the
23 funds before we have the proper input what we
24 want them to do based on Shelby Hallmark's
25 comments (unintelligible) in previous meetings,

1 public meeting, seeming to indicate that funds
2 are limited for our contractor, so if
3 (unintelligible) --

4 **DR. WADE:** If I could -- if I could clari-- this is
5 Lew Wade --

6 **MR. GIBSON:** -- (unintelligible) concerns me that,
7 you know, given that -- I won't call it a
8 veiled threat, but it -- but in his comments
9 that there may be limited funds, I'm just
10 concerned that we have the input on what our
11 contractor does.

12 **DR. ZIEMER:** Yeah, good -- good point, Mike. Lew,
13 can you address that?

14 **DR. WADE:** When I -- Mike, your point is excellent.
15 When I discussed this with Paul and I took my
16 unilateral action, I told Paul that I would see
17 that additional funds were made available to
18 cover this action as I understood it not to
19 have been mandated by the Board. So I tried to
20 -- to assure Paul that that would take place,
21 and I intend to -- to live true to that. But
22 your point is well made. Again, I -- I don't
23 think that the action that I took would limit
24 the Board's prerogatives with regard to funds.

25 **MS. MUNN:** This is Wanda. I, too, have

1 (unintelligible) with respect (unintelligible)

2 --

3 **DR. ROESSLER:** It's hard to hear Wanda.

4 **DR. ZIEMER:** Can you speak a little louder, Wanda?

5 **MS. MUNN:** Yes, I have considerable concern about the
6 amount of time that we have available to us
7 financially in order to get these things done.
8 And I probably would have greater concern about
9 the process that's underway had I not been
10 privy to the discussions (unintelligible)
11 questions that our contractor (unintelligible).
12 I think the inquiry is going the right way,
13 Mike, but I certainly agree with you that the
14 issue of how much time we can actually expect
15 our contractor to give under the circum-- or
16 under the contracting circumstances that we
17 have is a key issue. But if we do not address
18 -- and I'm not at all sure that we can address
19 it on this phone call. I'm not sure we have
20 information to address it. But certainly it
21 appears to me that this is (unintelligible)
22 item for discussion at our meeting.

23 **DR. ZIEMER:** Thank you, Wanda. Let me -- other Board
24 members have input -- remember, we have a
25 motion on the floor now which -- a motion to

1 allow SC&A to continue their review of the --
2 of Rev. 1 of the Iowa Technical Basis Document.

3 **MR. ESPINOSA:** (Unintelligible) Espinosa.

4 **DR. ZIEMER:** Okay, Rich Espinosa.

5 **MR. ESPINOSA:** I'm in agreement with what
6 (unintelligible) is saying and do you know --
7 I'm worried about the funding, too, so is there
8 a Federal official or somebody from the
9 (unintelligible) comment?

10 **DR. ZIEMER:** Well, Lew's comment. I don't know if
11 there's any others --

12 **UNIDENTIFIED:** (Unintelligible)

13 **DR. ZIEMER:** I'm sorry?

14 **UNIDENTIFIED:** (Unintelligible)

15 **MS. MUNN:** There's background conversation.

16 **DR. ZIEMER:** Background conversation.

17 **DR. WADE:** But I will take it as my responsibility to
18 see that those funds are made available.

19 **DR. ZIEMER:** That may be the best that he can do for
20 you today, Rich.

21 **DR. ANDERSON:** But this'll be for the full review?

22 **DR. ZIEMER:** This is for the Iowa. Right?

23 **DR. ANDERSON:** Yeah, but for this -- this new
24 activity.

25 **DR. ZIEMER:** Yes.

1 **DR. WADE:** Right.

2 **DR. ANDERSON:** Because what I -- this is Andy, I --
3 what I don't want to do is if we approve moving
4 forward now, it switches back to our contract
5 once we've suggested it move forward versus if
6 we do that. As long as we're held harmless to
7 the rest of the task that we've already
8 decided, then it's worth moving forward.

9 **DR. WADE:** That is my intention.

10 **DR. ANDERSON:** Okay.

11 **DR. ZIEMER:** Other comments or questions?

12 **MR. PRESLEY:** This is Bob Presley. My comment is
13 we've gone this far, we've got two more weeks
14 before we go into our full open committee
15 meeting. It would be a shame to stop their
16 work now for two weeks and then have them pick
17 it back up again.

18 **DR. ZIEMER:** Okay. Thank you, Bob. Other comments
19 or questions? Anyone speaking against the
20 motion? I think it's important Board members,
21 one way or the other -- if you feel it's not
22 the way to go, let us -- let us hear from you.

23 Are you ready to vote on this motion?

24 **MR. GRIFFON:** Paul, this is Mark Griffon.

25 **DR. ZIEMER:** Mark? Thank you.

1 **MR. GRIFFON:** Yeah, I -- I just have a ques-- I mean
2 just -- just res-- sort of responding to what
3 Bob just said, that we have two weeks, and --
4 and I -- since the subcommittee meeting we had
5 in Cincinnati I'm still not sure that -- that
6 we're allowing ourselves enough time here to
7 consider this -- this -- or reconsider, I
8 guess, this Iowa petition. You know, we're --
9 I'm jumping on a plane tonight to go to
10 Washington to see some classified data, but any
11 notes we take or any -- any discussions we have
12 certainly have to go through a declassification
13 process. We can't discuss them outside the
14 classified areas. But --

15 **DR. ZIEMER:** (Unintelligible) --

16 **MR. GRIFFON:** -- I also understand (unintelligible) -
17 -

18 **DR. ZIEMER:** -- even if we move ahead it doesn't
19 guarantee that we'll have everything we need by
20 our next meeting, does it?

21 **MR. GRIFFON:** That's right. That's right. And I'm
22 not saying that we should -- you know, I'm not
23 saying that we shouldn't continue to make -- to
24 move ahead and make progress on this. But I'm
25 just pointing out that, you know, to rush a

1 decision on this would -- would be just another
2 mistake in this, I think, so let -- we should
3 keep that in mind.

4 **DR. ZIEMER:** Well, one thing it seems to me that if
5 we -- if we do halt it at this point, we
6 definitely won't be in a position to make a
7 decision next time. It seems to me if we
8 continue, we may be in a position to make a
9 decision, but I -- I suspect that we -- that
10 there's also the possibility that --
11 particularly those of you with -- on the Board
12 with Q clearance who are reviewing this may
13 believe that we have not fully pursued
14 everything that needs to be pursued.

15 **MR. PRESLEY:** It may go back the other way, that once
16 we see ev-- this is Bob Presley.

17 **DR. ZIEMER:** Sure.

18 **MR. PRESLEY:** Once we see everything in Washington,
19 we can go back and report to the Board that
20 everything is all right.

21 **DR. ZIEMER:** Yes. Okay, further comment?

22 (No responses)

23 **DR. ZIEMER:** Are you ready to vote on this motion?
24 Now this does not preclude us from adding yet
25 today additional input to S-- if -- if the

1 motion passes, to have additional input to
2 SC&A. And Mike, there's specific things,
3 either on Iowa or in general terms of the
4 review process, those can certainly be added
5 immediately, if needed.

6 Let's proceed to vote at this point then. All in
7 favor of the motion to allow SC&A to continue
8 the review of the Iowa Technical Basis Document
9 Rev. 1 --

10 **MS. HOMER:** Dr. Ziemer, would you prefer that I take
11 a roll vote?

12 **DR. ZIEMER:** Yes, take a roll call vote again. We'll
13 have to do it that way.

14 **MS. HOMER:** Okay.

15 **DR. ZIEMER:** Please say aye when your name is called,
16 or no or (unintelligible).

17 **UNIDENTIFIED:** Repeat the motion again.

18 **DR. ZIEMER:** Motion is to allow the Board's
19 contractor, SC&A, to continue with their review
20 of the Iowa Technical Basis Document, Rev. 1.
21 And parenthetically I'll add with the intent of
22 providing the Board some input for our decision
23 on -- at our next meeting.

24 **DR. ROESSLER:** But what does that mean?

25 **DR. ZIEMER:** The motion allows the contractor to

1 continue reviewing the revised Technical Basis
2 Document for -- rather than stop work on it.
3 Okay? All in favor, aye?

4 (No responses)

5 **DR. ZIEMER:** Oh, Cori's going to take the roll call
6 here. Cori?

7 **MS. HOMER:** Okay. Dr. Anderson?

8 **DR. ANDERSON:** Aye.

9 **MS. HOMER:** Dr. DeHart?

10 **DR. DEHART:** Aye.

11 **MS. HOMER:** Mr. Espinosa?

12 **MR. ESPINOSA:** Aye.

13 **MS. HOMER:** Mr. Gibson?

14 **MR. GIBSON:** Abstain.

15 **MS. HOMER:** Mr. Griffon?

16 **MR. GRIFFON:** Aye.

17 **MS. HOMER:** Dr. Melius?

18 **DR. MELIUS:** Yes.

19 **MS. HOMER:** Ms. Munn?

20 **MS. MUNN:** Yes.

21 **MS. HOMER:** Mr. Owens?

22 (No response)

23 **MS. HOMER:** Mr. Presley?

24 **MR. PRESLEY:** Yes.

25 **MS. HOMER:** Dr. Roessler?

1 **DR. ROESSLER:** Yes.

2 **MS. HOMER:** Dr. Ziemer?

3 **DR. ZIEMER:** Yes. The motion carries and our
4 contractor will continue work on this document.
5 Now let me ask if any of the Board members wish to
6 add any particular instructions on the Iowa
7 review? You have the questions that were
8 generated by the contractor already, with some
9 input from Board members, and are -- are there
10 any specific instructions that anyone wishes to
11 add to this or to frame for the contractor?

12 (No responses)

13 **DR. ZIEMER:** We will later in the meeting here this
14 morning come back to the general issue of
15 Special Exposure Cohort task for our
16 contractor, so we can certainly frame it out in
17 that context, as well. Okay.

18 **MR. GIBSON:** Dr. Ziemer, this is Mike Gibson.

19 **DR. ZIEMER:** Mike?

20 **MR. GIBSON:** Perhaps one question that I would like
21 our contractor or NIOSH to -- to ask. Is there
22 any additional upcoming information that's
23 going to be put out at the last minute, so to
24 speak, so that we won't go through this again?
25 Is there any information that is potentially

1 known to someone or -- whether it's NIOSH or
2 the Department of Energy or anyone else, I
3 don't know if there's anyone from the
4 Department of Energy on line, but --

5 **DR. ZIEMER:** You're really asking about the
6 completeness of the material that the Board
7 will have on which to make its decision, I
8 think. Right, Mike?

9 **MR. GIBSON:** Well, I'm asking that once we're
10 presented with information to make a decision
11 or reconsider our decision, is there all of a
12 sudden, two or three days later or a day later
13 down the road, some additional information's
14 going to be put out that will again throw us
15 right back in this same cycle.

16 **DR. WADE:** This is Lew Wade. I can speak to that and
17 then Larry, possibly. What I think we'll have
18 before us -- what you'll have before you is the
19 revision to the Technical Basis Document. You
20 will have a review by SC&A on that document.
21 You've recently been provided a supplement by
22 NIOSH to the review of the SEC petition. I
23 assume at the meeting there'll be an
24 opportunity for petitioners to -- to make
25 comment, and I don't know what they might say,

1 but I think at this point in time that
2 represents all the information that we have any
3 reason to believe would be available.

4 Larry, anything in addition that you can think of?

5 **MR. ELLIOTT:** Thanks, Lew. No, I -- this is Larry
6 Elliott. I do not envision there will be any
7 additional information beyond that point.
8 We've covered what will be available, what will
9 be prepared and provided for the Board's
10 deliberation, and I believe that will be all
11 that we have to submit.

12 **MR. GIBSON:** Okay. This is Mike Gibson again, and I
13 appreciate that. I would again like to ask, is
14 there anyone from the Department of Energy on
15 this call that could make a comment as to
16 additional information that may be brought out
17 days or weeks after we make our next move so
18 that we don't go through this cycle again?

19 **MR. ELLIOTT:** I don't -- Larry Elliott again. I
20 don't believe we heard anyone from DOE join
21 this call, but if there is someone on from DOE,
22 now is the time to recognize that person.

23 **DR. ZIEMER:** Larry, I -- I underst-- I -- it is my
24 understanding there aren't any other documents
25 under review by DOE that you have submitted,

1 are there?

2 **MR. ELLIOTT:** No, that is correct, Dr. --

3 **DR. ZIEMER:** You have everything back from DOE that
4 was submitted for their review on the Iowa
5 document.

6 **MR. ELLIOTT:** That's correct, we have everything
7 back. There are no other documents in front of
8 DOE that we've put there.

9 **DR. ZIEMER:** Thank you very much.

10 **MR. PRESLEY:** Hey, Paul, this is Bob Presley --

11 **DR. ZIEMER:** Yes, Bob?

12 **MR. PRESLEY:** -- I (unintelligible) --

13 **DR. ZIEMER:** Yes?

14 **MR. PRESLEY:** About information showing up, I think
15 this is an ongoing problem that we're going to
16 have down the road, especially with the
17 facilities that have been closed down. They
18 can come up with a site profile and then
19 somewhere down the road somebody can come up
20 with some pertinent information which might
21 change things. This is -- this is
22 unfortunately going to be a problem we're going
23 to have.

24 **DR. ZIEMER:** Well, there obviously are no guarantees.

25 I think Mike's concern is that the -- the

1 existence and review of Rev. 1 was known and I
2 think the record will probably show that the
3 Board was made aware of it, but probably we
4 were not quite prepared for the fact that it
5 would be, in essence, unclassified and
6 therefore available in a very different way
7 than we had anticipated. But certainly if
8 there's documents that come to light later that
9 impact on any decision, pro or con, they would
10 have to be made available at the point when
11 they became -- but we don't know of anything.
12 And Mike is really asking do we know of other
13 material that's critical in our decision-making
14 that we're not being told about.

15 **MR. GIBSON:** This is Mike Gibson again. It just -- I
16 guess to go one step further, and if it would
17 be in order at this point, Dr. Ziemer --

18 **DR. ZIEMER:** Yes.

19 **MR. GIBSON:** -- I would like to make a motion that
20 the Board draft an apology to the workers and
21 survivors and claimants at Iowa and
22 Mallinckrodt for this -- this turn of events
23 about this information that has -- could
24 potentially delay or change our -- our
25 recommendation because we were not -- due to

1 circumstances we were not timely notified of
2 everything and, you know, I think they got
3 their hopes up and -- and this turn of events
4 has delayed things and I would just like to
5 make a motion that we -- the Board issue some
6 sort of apology at our next meeting to the
7 claimants of Iowa and Mallinckrodt for this
8 turn of events.

9 **DR. ZIEMER:** Your motion is in order. I would
10 suggest that it be done in two parts, the Iowa
11 and Mallinckrodt. The Mallinckrodt has gone
12 forward, as prescribed at our last meeting.
13 And after we discuss Mallinckrodt, if you have
14 a similar motion, we can certainly make it,
15 Mike. But would you be agreeable to
16 restricting this motion to the Iowa?

17 **MR. GIBSON:** Yes, I would.

18 **DR. ZIEMER:** Is there a second?

19 **MR. ESPINOSA:** I'll second that, Paul.

20 **DR. ZIEMER:** I'm sorry?

21 **MR. ESPINOSA:** This is Rich Espinosa. I'll second
22 that motion.

23 **DR. ZIEMER:** Okay, Rich Espinosa is seconding the
24 motion. Before I ask for discussion, Mike, as
25 I understand the motion, we could actually have

1 a working group draft the wording -- if it
2 passed, draft the wording and have it available
3 for formal action at our next meeting?

4 **MR. GIBSON:** Yeah.

5 **DR. ZIEMER:** Would that be your intent?

6 **MR. GIBSON:** Yes.

7 **DR. ZIEMER:** So that everyone can have a chance to
8 see the wording of the apology at that point.

9 **MR. GIBSON:** I'm sorry, there was some background
10 noise. I didn't hear all that you said, Paul.

11 **DR. ZIEMER:** So that the formal action on the actual
12 wording could be taken at the meeting. Is that
13 (unintelligible)?

14 **MR. GIBSON:** It would be the intent of my motion --
15 that would be fine, as long as that wording can
16 be worked out and the apology be made at our
17 next meeting.

18 **DR. ZIEMER:** Okay. You've heard the motion, the
19 second. Are there -- is there any discussion,
20 pro or con?

21 **MS. MUNN:** This is Wanda. I have a request to make
22 of the people who are on the line, then a
23 comment with respect to the motion. Will the
24 people on the line who are carrying on other
25 conversations or who have other people in the

1 room with them please put their phone on mute.
2 It really is distracting and it makes it almost
3 impossible for all the members of the Board to
4 hear the details of the conversations that are
5 going on when other conversations are taking
6 place in the background. We can hear you quite
7 well.

8 **DR. ZIEMER:** Thank you, Wanda. That's an appropriate
9 request.

10 **MS. MUNN:** With respect --

11 **DR. ZIEMER:** Go on with your comment.

12 **MS. MUNN:** With respect to a motion that's before us,
13 I find this a difficult motion for a simple
14 reason. I don't believe that the Board has
15 done anything improper, and therefore it's
16 difficult for me to see -- I can understand why
17 claimants would be concerned about this.
18 Certainly if I were a claimant I would be
19 concerned about it, also. However, the Board
20 has acted in good faith and I think
21 appropriately based on the information that we
22 had at hand. To write up a note of explanation
23 I would have no objection to, but to apologize
24 for a circumstance which truly was -- was not
25 ill-intentioned nor was it in any way to be

1 laid -- blame to be associated with the Board's
2 action, it concerns me. I guess -- do you
3 understand what I'm saying, Mike? I don't --
4 I'm not in opposition to the concept, it's just
5 that I -- I don't feel the Board has done
6 anything improper.

7 **MR. GIBSON:** Well --

8 **DR. ZIEMER:** Thank you, Wanda. Others --

9 **MR. GIBSON:** -- (unintelligible) --

10 **DR. ZIEMER:** -- on this, pro or con?

11 **MR. GIBSON:** Wanda, I understand what you're saying,
12 and I don't -- I don't think we have done
13 anything improper, either. However, I think --
14 I think that the agencies that are supposed to
15 be providing us with information put us in a
16 bad light in the public's eye, and therefore I
17 would just like it -- let it be known to them
18 so that we don't lose credibility with the
19 public, that -- yes, we were acting on the best
20 information we had. But I think that the
21 agencies that are responsible for providing us
22 with information to review or audit could do a
23 better job. So I guess it's more of --

24 **DR. WADE:** This is Lew Wade. I mean I think your
25 last comment, Mike, needs to be considered and

1 debated possibly. I mean I certainly let it
2 stand on the record, but I wouldn't let it go
3 without commenting. But please continue.

4 **DR. ZIEMER:** Other comments pro or con from Board
5 members?

6 (No responses)

7 **DR. ZIEMER:** Anyone else speaking for the motion?

8 (No responses)

9 **DR. ZIEMER:** Anyone speaking against the motion?

10 **MS. MUNN:** This is Wanda. I -- again, I don't want
11 to speak against the motion because I think
12 it's well-intentioned and I agree with the
13 intention. I am opposed to --
14 And by the way, folks on the line, you're still being
15 heard.

16 I do wish that we could -- I guess my objection is
17 solely around the word "apology". I guess I
18 would have no objection to a letter of
19 explanation and concern going -- being issued.
20 But I do object to the word "apology".

21 **MR. GIBSON:** This is Mike.

22 **DR. ZIEMER:** Mike, go ahead.

23 **MR. GIBSON:** Paul, if I can amend my motion to say we
24 regret...

25 **MS. MUNN:** The circumstances, yeah.

1 **DR. ZIEMER:** Mike, you're suggesting that -- you
2 describe what -- the action as drafting a
3 letter of regret or -- is that what you said?

4 **MR. GIBSON:** Yeah, I'd just change from apology to we
5 regret that the action we'd taken -- the
6 actions we've taken, then the turn of events
7 and timeliness of the turn of events --

8 **MS. MUNN:** (Unintelligible) --

9 **MR. GIBSON:** -- have delayed this --

10 **DR. ZIEMER:** Yeah, I don't think we need to draft
11 this letter today.

12 **MR. GIBSON:** Fine, I'm just trying to --

13 **DR. ZIEMER:** What we would be doing would be to -- if
14 the motion passes, it would be the intent of
15 the Chair to ask Mike and maybe one other
16 person to work with Mike to -- as a -- as a --
17 in essence, a working group to develop the
18 wording for our next meeting. Then we can vote
19 it up or down. But it's basically a motion
20 that -- that's a draft letter of regret or
21 explanation or -- to be drafted to the Iowa
22 workers -- or it'd basically be to the
23 petitioners, I suppose. Does that frame the
24 motion properly, Mike, in --

25 **MR. GIBSON:** Yes, yes, it does.

1 **DR. ZIEMER:** Without wording it at this point?

2 **MR. GIBSON:** Yes.

3 **MS. MUNN:** That's fine for me.

4 **DR. ZIEMER:** Board members, are you ready to vote on
5 Mike Gibson's motion? Okay, all in favor will
6 say aye when the roll is called.

7 **MS. HOMER:** Dr. Anderson?

8 **DR. ANDERSON:** Aye.

9 **MS. HOMER:** Dr. DeHart?

10 **DR. DEHART:** Aye.

11 **MS. HOMER:** Mr. Espinosa?

12 **MR. ESPINOSA:** Aye.

13 **MS. HOMER:** Mr. Gibson?

14 **MR. GIBSON:** Aye.

15 **MS. HOMER:** Mr. Griffon?

16 **MR. GRIFFON:** Aye.

17 **MS. HOMER:** Dr. Melius?

18 **DR. MELIUS:** Aye.

19 **MS. HOMER:** Ms. Munn?

20 **MS. MUNN:** Aye.

21 **MS. HOMER:** Mr. Presley?

22 **MR. PRESLEY:** Yes.

23 **MS. HOMER:** Dr. Roessler?

24 **DR. ROESSLER:** Aye.

25 **MS. HOMER:** Mr. Owens? I might have

1 (unintelligible). Dr. Ziemer?

2 **DR. ZIEMER:** Aye. The motion carries. Mike, if you
3 would take the lead on drafting that, and who
4 volunteers to help Mike with this? Any
5 volunteer? Let's ask for one person
6 (unintelligible) this.

7 **MR. ESPINOSA:** Dr. Ziemer, Richard Espinosa. Since I
8 seconded, I'll help Mike with this.

9 **DR. ZIEMER:** Thank you. Mike, if you would exchange
10 drafts with Rich before our next meeting and
11 then come to the Board with your proposed
12 letter and we'll have it on the agenda for
13 action.

14 Okay. We -- let me ask if there's any other items
15 relating to Iowa petition that Board members
16 wish to raise before we turn to Mallinckrodt --
17 or on the SC&A work?

18 (No responses)

19 **DR. ZIEMER:** Okay. Now let's review the status of
20 Mallinckrodt. The Mallinckrodt piece, the
21 Chair prepared the letter to the Secretary and
22 sent it through the Director of NIOSH, together
23 with all of the supporting documents, which
24 included the transcript of the Board's
25 discussion on Mallinckrodt, the public comments

1 on Mallinckrodt, the petition itself, the NIOSH
2 review of the petition -- there may have been
3 some other pieces, but it was a packet of
4 everything. That I sent on to the Director of
5 NIOSH -- I'm looking to see if I have the exact
6 date here. I may not have my copy before me.
7 Lew, do you have a record of that -- when that
8 --

9 **DR. WADE:** In fact I don't in front of me, Paul.

10 **DR. ZIEMER:** It was several weeks ago, I think. And
11 Lew, maybe you can pick up and tell us where
12 that package is in terms of NIOSH.

13 **DR. WADE:** The package has made its way through the
14 NIOSH director and is with the Secretary. I am
15 not aware at this moment of any action that the
16 Secretary has taken. If anyone on the line has
17 that knowledge, please -- but the package is
18 with the Secretary.

19 **MS. BROCK:** This is Denise Brock. Can I comment
20 then?

21 **DR. WADE:** Sure.

22 **MS. BROCK:** Dr. Wade, I believe that it went to the
23 Secretary or (unintelligible) Secretary's desk
24 on the 15th of March, and I just spoke with
25 somebody from Senator Bond's office within the

1 last hour or so and I will be hearing something
2 probably very soon, maybe before our
3 conversation has ended.

4 **DR. WADE:** Okay. I would expect action very quickly,
5 but I'm not aware of any action having taken --
6 been taken by the Secretary.

7 **MS. BROCK:** That is my understanding, too, Dr. Wade.

8 **DR. WADE:** Thank you.

9 **DR. ZIEMER:** You may recall, Board members, in the
10 case of Mallinckrodt the recommendation was to
11 -- you recommend Special Cohort status to two
12 of the -- of the subsets of the Mallinckrodt
13 and to withhold judgment on the third one until
14 we had opportunity both to review the -- again,
15 there was a revised document and some other
16 documents that surfaced at the time of our last
17 meeting. And so the action included the
18 statement that it was the Board's intent to
19 take action on that third group -- and I'm
20 using the word "third group" because I don't
21 have right before me the exact description of
22 that group, but does everybody know what I mean
23 by the third group? It's defined by -- by
24 years, and --

25 **DR. WADE:** Larry, is it 1948 to 1957, is that the...

1 **MS. BROCK:** It's '49 to '57, excuse me.

2 **DR. ZIEMER:** I believe -- yeah, '49 sounds correct.

3 In any event, we have the -- the other
4 documents now have been provided to the Board
5 members. I believe you have those and we have
6 SEC (sic) also doing some reviewing on that,
7 and let's see, who can give us an update on
8 where SEC (sic) is on the Mallinckrodt --

9 **DR. WADE:** Let me define the situation overall. We -
10 - the Board should now be in possession of a
11 revision to the Iowa -- excuse me, to the
12 Mallinckrodt downtown site profile.

13 **DR. ZIEMER:** Right.

14 **DR. WADE:** If you recall, SC&A has agreed to provide
15 the Board its review of that revised site
16 profile one week before the next Board meeting.
17 The Board should also be in possession of a
18 supplement that was prepared by NIOSH to the
19 SEC petition review.

20 John Mauro, are we still operating on the assumption
21 that the Board will see the SC&A work product a
22 week before its next meeting?

23 **DR. MAURO:** We delivered on April 5th a draft work
24 product that we were hoping to have an
25 opportunity to discuss with NIOSH and the

1 Board. So there is something -- a document
2 that is fairly complete. Work is continuing,
3 more is being done, but we were hoping to have
4 an opportunity to discuss our draft report as
5 we -- as the review cy-- in accordance with the
6 review cycle. We're trying to keep in line
7 with the review cycle where we'll prepare a
8 draft and have an opportunity to be discussed
9 with NIOSH and the Board for factual accuracy
10 review. And so our hope is that we would get
11 some feedback and opportunity for dialogue on
12 the draft that we submitted, and then we will
13 submit a final version shortly thereafter.

14 **DR. WADE:** I would imagine those discussions would
15 take place later this week, although I don't
16 think they've been formally scheduled. But
17 we'll notify the Board of that schedule.

18 **DR. NETON:** This is Jim Neton from NIOSH. We have
19 received the draft from SC&A and we're going
20 over it. We intend to get with them as soon as
21 possible, but that may not be until very early
22 next week -- like Monday. There's a key person
23 from ORAU who is out of the office until
24 Thursday this week. But as we discussed at the
25 subcommittee meeting, we're going to constrain

1 our discussion I believe until -- to the '49 to
2 '57 time period 'cause that is the issue at
3 hand in the upcoming Board meeting.

4 **DR. ZIEMER:** Right.

5 **DR. NETON:** Okay.

6 **DR. MAKHIJANI:** This is Arjun Makhijani. Could I ask
7 a question about the schedule? A week from now
8 is the 18th, and if we don't hear from NIOSH
9 until the 18th, then of course we can't
10 incorporate comments, so it will be very
11 difficult -- and deliver a report to the Board
12 on the 18th.

13 **DR. WADE:** I mean let us work to have that meeting
14 take place at its earliest possible date.

15 **DR. ZIEMER:** Well, the goal is to have something to
16 the Board in time for the next meeting because
17 the Board has indicated its intent to make a
18 decision on that portion of the Mallinckrodt
19 worker group, so --

20 **MR. HORGAN:** Mr. Chairman, this is Tom Horgan from
21 Senator Bond's office. I'm sorry to cut you
22 off there, but I just want to say that --
23 that's really not an unreasonable request, I
24 don't think, and whatever can be done to
25 accommodate the folks at Sanford Cohen -- I

1 know the Board and a lot of stakeholders would
2 be interested in getting that report. Thanks.

3 **DR. ZIEMER:** Yeah. Thank you for your comment.

4 So the intent would be to have that for us in time
5 for the Board meeting so that we have full
6 information when action is taken.

7 Now I want to give Mike the opportunity -- Mike, when
8 you originally talked about the letter to Iowa,
9 you also mentioned Mallinckrodt. I just wanted
10 to make sure you were aware that, with respect
11 to Mallinckrodt, everything has proceeded as
12 the Board outlined at its last meeting. So I'm
13 wondering if -- do you still feel there's an
14 additional explanation needed at this point in
15 the Mallinckrodt case since we have proceeded -
16 - the Secretary of Health and Human Services
17 has the Board's recommendations before him at
18 this time, the clock is going on that part of
19 the petition, and we are essentially on
20 schedule for taking action at our next meeting.

21 **MR. GIBSON:** Yeah, I'm fine with that. I'll withdraw
22 the Mallinckrodt portion of it at this time.

23 **DR. ZIEMER:** Okay. Let me ask if any of the other
24 Board members have questions or comments
25 relative to the Mallinckrodt petition that they

1 would like to raise at this point?

2 **DR. DEHART:** Paul, this is Roy.

3 **DR. ZIEMER:** Yes, Roy.

4 **DR. DEHART:** I'm a little confused with the

5 discussion that's been going on as to timing.

6 If we're going to be discussing this at the end

7 of the month, it really is critical that we

8 have it available to us at least five to seven

9 days before the Board meeting.

10 **DR. WADE:** And that would be Tuesday of next week.

11 Tentatively we're looking at a discussion of

12 the Mallinckrodt --

13 **DR. ZIEMER:** Well, yeah, I think a week from Tuesday

14 is what -- Roy's talking about the 19th, I

15 think, Lew.

16 **DR. WADE:** Then we have to -- let me work to see that

17 that delivery's made.

18 **DR. DEHART:** Fine.

19 **DR. ZIEMER:** Yes, Roy, the intent is that we will

20 indeed have that. Now if that doesn't occur,

21 then we'll have to deal with that issue.

22 **DR. WADE:** Well, we do have a draft of an SC&A report

23 that, if nothing else, could be made available.

24 I think, you know, following our process, the

25 more interaction between SC&A and NIOSH that

1 can take place to resolve issues, the better.
2 But we do understand the importance of having
3 something to the Board next Tuesday.

4 **MS. MUNN:** This is Wanda. Do we have a feel of how
5 extensive that material is going to be over and
6 above the material that was provided for us
7 under the April 5th memorandum -- the
8 preliminary -- partial review.

9 **DR. ZIEMER:** Who can answer that then -- John or Lew
10 or -- maybe John Mauro.

11 **MS. MUNN:** I'm trying to think in terms of my time
12 availability in that time slot and whether it's
13 going to be an overwhelming number of hours or
14 whether the document itself is going to be of
15 the approximate size that we already have from
16 the preliminary review.

17 **DR. WADE:** I guess we could only ask John Mauro and
18 then NIOSH to speculate on that -- and it would
19 be speculation.

20 **MS. MUNN:** Yeah, I understand.

21 **DR. WADE:** John and Jim?

22 **DR. NETON:** Wanda, this is Jim Neton. My first look
23 at -- I believe there were 25 pages of comments
24 that came --

25 **MS. MUNN:** That's correct.

1 **DR. NETON:** And my first look through the document,
2 my sense was that many of the comments were
3 carried through -- that were reflective of the
4 issues of the pre-1949 time frame. I don't
5 know -- I don't know that the bulk of them are
6 going to be in the '49 to '57 time frame, so I
7 suspect it's going to be much -- much -- many
8 fewer pages than 25, but I have not looked at
9 it in detail myself to make a judgment.

10 **MS. MUNN:** Fine, that -- that gives me a feel. I
11 appreciate that.

12 **DR. WADE:** John -- John Mauro, anything to add?

13 **DR. MAURO:** I believe it's going to be abbreviated.
14 It's not going to be much larger than the
15 document you folks already received.

16 **DR. ZIEMER:** Okay.

17 **DR. MAURO:** There are a couple of other areas that
18 we're exploring, and certainly we will develop
19 additional material based on the dialogue we --
20 we have with -- with NIOSH over the next week,
21 but it -- it is not going to be a 100-page
22 report or 200-page report, as you have seen in
23 the past. It'll be a -- an abbreviated version
24 of the report, trying to zero in on those
25 issues that remain outstanding.

1 **MS. MUNN:** That resolves my concern. Thank you,
2 John.

3 **DR. ZIEMER:** Any other questions or comments on the
4 Mallinckrodt petition?

5 **MR. PRESLEY:** Bob Presley.

6 **DR. ZIEMER:** Bob.

7 **MR. PRESLEY:** (Unintelligible) we receive that via
8 FedEx as well as e-mail? Because sometimes
9 some of us, when we get the e-mail versions, it
10 doesn't come out exactly right.

11 **DR. MAURO:** Well, we can certainly -- this is John
12 Mauro. We can certainly provide both hard copy
13 and electronic copy to everyone.

14 **MR. PRESLEY:** I appreciate that.

15 **DR. ZIEMER:** Thank you. Any other comments? Are you
16 ready to -- let's move on then to the next item
17 on the agenda, which is to review the draft
18 agenda for the upcoming meeting and we can
19 review that with -- keeping in mind there's
20 some items here that we've already covered that
21 need now to appear on the agenda, and I think
22 Lew and Cori will do the -- help us get those
23 plugged in at the appropriate point, so we'll
24 assume that those -- for example, the motion --
25 the Gibson motion will need to be included in

1 there.

2 **MR. GRIFFON:** Paul --

3 **DR. ZIEMER:** Yes?

4 **MR. GRIFFON:** -- Mark Griffon. Don't we need to -- I
5 think you missed an item, the task order for
6 Special Exposure Cohort?

7 **DR. ZIEMER:** Yes. On the agenda that -- that's the
8 item after this. Do you have the current --

9 **MR. GRIFFON:** Oh, okay, I'm -- I'm probably looking
10 at an old version of the agenda. I'm sorry.

11 **DR. ZIEMER:** Yeah. I think -- I think on the --
12 you're right, on the -- the original agenda
13 showed that as next, but I think the revised
14 agenda when the -- when the time change
15 occurred, it showed up after this.

16 **MR. GRIFFON:** That's fine.

17 **REVIEW DRAFT AGENDA FOR UPCOMING MEETING**

18 **DR. ZIEMER:** Okay. That -- that is on our agenda
19 this morning, as well, Mark. Thank you.
20 Okay, if -- do all the Board members have their draft
21 copy of -- of the agenda for the Iowa meeting?

22 **MS. MUNN:** Yes.

23 **DR. ROESSLER:** Yes.

24 **DR. ZIEMER:** Okay. The morning of April 25th is
25 devoted to a meeting of the subcommittee for

1 dose reconstruction and site profile reviews.
2 That is an open meeting, but it is just the
3 subcommittee.

4 The subcommittee has some items that they have been
5 working on. One of those is the wrap-up of the
6 first 20 dose reconstructions, and there -- the
7 subcommittee made I think good progress on
8 that. They have a -- they will have a proposed
9 summary of the -- or a proposed wrap-up of the
10 first 20 cases and Mark has been working on
11 some words for -- some wording for kind of the
12 overview, a summary of that. It will include
13 the kind of scorecard, our contractor's
14 scorecard on the individual dose
15 reconstructions and a wrap-up of those that
16 will include a matrix of -- of the findings and
17 their -- the relative importance level of
18 those. Also we -- and -- and perhaps some
19 lessons learned. And this will provide a kind
20 -- we hope this will provide a kind of template
21 on the subsequent dose reconstruction wrap-ups
22 and they'll be able to move along more rapidly
23 after that. But that will be on the
24 subcommittee's agenda.

25 I think the subcommittee is -- I'm trying to look

1 here to see what else will be on the
2 subcommittee's agenda. I don't think we'll
3 have the next 18 ready to look at yet, will we?

4 **DR. WADE:** I don't believe so.

5 **DR. ZIEMER:** I think these cases have ended up on the
6 back burner because of the -- SC&A having to
7 shift resources to the Mallinckrodt and the
8 Iowa petition reviews.

9 **DR. MAURO:** Dr. Ziemer, this is John Mauro. If you'd
10 like (unintelligible) on to that.

11 **DR. ZIEMER:** I'm sorry?

12 **DR. MAURO:** This is John Mauro.

13 **DR. ZIEMER:** Yes, John.

14 **DR. MAURO:** I'd just like to respond to the question
15 regarding the second set of 18.

16 **DR. ZIEMER:** Yeah, you might tell us where the second
17 18 are as (unintelligible) --

18 **DR. MAURO:** Yes, they -- we will have a draft of our
19 version for factual accuracy review available
20 to the Board by the end of April, so it will
21 not be available for the meeting.

22 **DR. ZIEMER:** Right. Right. The subcommittee will
23 also have an opportunity to take an early look
24 at the Mallinckrodt and the Iowa materials and
25 make any recommendations they wish to make.

1 I'm looking here in my notes to see what other
2 items -- those are the main items.

3 Mark, were there some additional things that I've
4 missed?

5 **MR. GRIFFON:** Yeah, the one thing that I thought was
6 the task three report that was out a while ago
7 by SC&A --

8 **DR. ZIEMER:** Oh, (unintelligible) --

9 **MR. GRIFFON:** -- we have to make an initial review of
10 that.

11 **DR. ZIEMER:** -- report was on the procedures review.

12 **MR. GRIFFON:** Right.

13 **DR. ZIEMER:** And the question was how to handle the
14 procedures review, and I think we did agree the
15 subcommittee would -- would make a
16 recommendation to the Board on how to handle
17 procedures review. Right, Mark?

18 **MR. GRIFFON:** Yes.

19 **DR. ZIEMER:** That will also be in the subcommittee
20 discussion. We also have -- although it's
21 listed under subcommittee, hopefully all the
22 Board members can be present by late morning.
23 There -- we have on the schedule remarks by
24 Senator Harkin.

25 **DR. WADE:** And it's possible there will be -- Senator

1 Grassley might also want to make remarks. I
2 don't know at this point.

3 **DR. ZIEMER:** Right. Then we have the -- the full
4 Board meeting beginning in the afternoon of the
5 25th. We focus initially on the Mallinckrodt
6 site profile in that -- in the schedule we have
7 allowed basically all afternoon for that. We
8 would have appropriate presentations and
9 discussion and hopefully some action on that.
10 There -- there's been time allowed, in case we don't
11 complete Mallinckrodt, to continue that into
12 the morning of the next day on Tuesday, so
13 you'll notice that the early part of Tuesday
14 morning also has been designated for
15 Mallinckrodt, if needed.

16 **DR. WADE:** But have that Tuesday --

17 **DR. ZIEMER:** In the morning -- I'm sorry?

18 **DR. WADE:** Excuse me, Paul, but the -- on Monday
19 afternoon we'd be looking at just -- the
20 proposal, is that the site profile.

21 **DR. ZIEMER:** Right.

22 **DR. WADE:** There'd be an opportunity for public
23 comment period on Monday evening, then on
24 Tuesday morning would be devoted to the
25 Mallinckrodt SEC petition.

1 **DR. ZIEMER:** I'm wondering if I'm looking at -- am I
2 looking at an old -- I may have an early
3 version of the agenda 'cause I'm not showing
4 the Monday evening --

5 **DR. WADE:** Okay, and it might not, but -- but that is
6 our plan, to have a public comment period on
7 Monday evening.

8 **DR. ZIEMER:** On Monday. Okay, the draft I'm looking
9 at shows it on Tuesday evening.

10 **DR. WADE:** But I think we probably -- this is open
11 for discussion -- considered both since Monday
12 evening we'd be in the midst of the
13 Mallinckrodt discussion and Tuesday evening
14 would be in the midst of an Iowa discussion. I
15 mean I take the Board's recommendation on that,
16 but the possibility exists to do two, Monday
17 evening and Tuesday evening.

18 **DR. ZIEMER:** Is the Board open to having two evening
19 sessions?

20 **MS. MUNN:** This is Wanda. If we actually need them,
21 I suppose so. I'm a little reluctant to commit
22 to that --

23 **UNIDENTIFIED:** (Unintelligible)

24 **MS. MUNN:** -- 'cause that's an extremely long day for
25 the Board members.

1 **DR. ZIEMER:** We might move that up and have it
2 (unintelligible) 4:15 time slot.

3 **MS. MUNN:** Okay.

4 **DR. ZIEMER:** How would that be?

5 **UNIDENTIFIED:** Sure.

6 **DR. ZIEMER:** We just have a marker there called
7 "other business". Is that -- am I looking at
8 the same version of the agenda as others?

9 **DR. WADE:** Yes, you are.

10 **MS. MUNN:** You're (unintelligible) looking at the one
11 I'm looking at.

12 **DR. WADE:** The one I'm looking at, as well.

13 **DR. ZIEMER:** So how about if we had public comment at
14 4:15? We didn't have quite such a long day
15 there.

16 **MS. MUNN:** (Unintelligible)

17 **DR. ROESSLER:** I think that that'll allow people who
18 leave work still to get there since that time
19 slot is from 4:15 to 6:15.

20 **DR. ZIEMER:** Yeah, that's Gen Roessler commenting, I
21 believe. Right?

22 **DR. ROESSLER:** Right.

23 **DR. WADE:** I think that makes sense.

24 **DR. ZIEMER:** Okay. And then -- then we have the --
25 the next morning set aside for final action on

1 that -- on Mallinckrodt petition.

2 And then in the afternoon of the 26th we would
3 address the Iowa Army Ammunition Plant
4 Technical Basis Document. This would -- this
5 is the Rev. 1 document.

6 **DR. ROESSLER:** That is the 26th, Tuesday. And then
7 that continues in through the afternoon on the
8 Iowa document, and then an evening session with
9 public comment period, and then into Wednesday
10 morning we continue on the Iowa document. And
11 we've set aside all morning again for that,
12 which would include whatever discussion and
13 action then the Board would take. So basically
14 we have set aside all afternoon Tuesday, plus
15 Tuesday evening and all morning Wednesday to --
16 to work on the Iowa petition.

17 **DR. WADE:** And there's a design construct for both,
18 Paul, is that we would begin with, you know, a
19 half a day spent on -- in the case of
20 Mallinckrodt -- the site profile review, and
21 then follow that up with a half a day dealing
22 with the Mallinckrodt SEC action. And then the
23 same process for Iowa. I was curious as to
24 whether or not the Board felt that order was
25 appropriate and that the time frames allowed

1 are adequate. I know that at the last meeting
2 I think we left with the feeling that we didn't
3 have adequate time to do our work. And as I
4 said before, I think the records that are
5 created, the records made with regard to the
6 SEC petition discussion is also important, so I
7 wanted us to be sure that we had enough time,
8 in the eyes of the Board going in, to address
9 those important issues.

10 **DR. ZIEMER:** So are there any Board members --

11 **MR. ELLIOTT:** Dr. Ziemer, this is Larry Elliott. To
12 follow up on what Lew just spoke to, within
13 each of those particular agenda areas or agenda
14 items, we would envision there would be
15 presentations made on the revised site profile,
16 there'd be a presentation by SC&A on the review
17 of that. And then for the SEC petitions there
18 would be a presentation made on the supplement
19 -- evaluation report. And then of course
20 petitioners' comment period. Am I correct in
21 that understanding?

22 **DR. ZIEMER:** Yeah. Yeah, I think in addition to the
23 public comments, the petitioners themselves
24 would have that opportunity to present any
25 comments relative to the new documents or new

1 findings. Right?

2 **DR. WADE:** So the question is, is a four-hour block
3 of time, roughly, adequate for each of those
4 four items in the eyes of the Board, or do you
5 want more time or less time?

6 **DR. ZIEMER:** Any comments from Board members?

7 **DR. MELIUS:** This is Jim Melius. I mean I think that
8 it may be adequate. It's just impossible to
9 tell without seeing the documents, too, so till
10 we get there we're not going to know. I think
11 by having Wednesday afternoon if we --
12 (unintelligible) we schedule Wednesday
13 afternoon, if we have to go over into that,
14 that -- that will be fine. That will give us
15 the extra time. We may have to delay
16 (unintelligible) afternoon schedule to -- till
17 the next meeting.

18 **DR. WADE:** I agree.

19 **DR. ZIEMER:** On Wednesday afternoon we have Y-12
20 petition review. Is Y-12 going to be ready for
21 NIOSH --

22 **DR. WADE:** Probably not.

23 **DR. ZIEMER:** -- petition review?

24 **DR. WADE:** Probably not at this point. I mean it was
25 put on at an early date as a place-holder. We

1 will probably not do Y-12.

2 **DR. ZIEMER:** We wouldn't have a Y-12 -- probably
3 won't have a Y-12 petition review, and of
4 course wouldn't have a -- we wouldn't have a
5 contractor's review of Y-12 in any event 'cause
6 we have not tasked them to look at Y-12 at this
7 point.

8 **DR. WADE:** We would add -- we would add --

9 **DR. ZIEMER:** I think we have a fair amount of cushion
10 there if we need it to go into Wednesday
11 afternoon.

12 Any other Board comments? We don't need to take
13 formal action on this agenda, but we did want
14 to get input to make sure that at least you're
15 relatively comfortable that we've allowed time.
16 You'll notice that we really don't have any of
17 our usual things, such as the program update
18 and so on. We're really focusing on these two
19 SEC petitions at this meeting, the Mallinckrodt
20 and the Iowa, and those will consume the major
21 portion of our activities for this time period.

22 **DR. DEHART:** Paul, this is Roy. Under the adverse
23 condition of not having completed the reviews
24 that we need for Iowa, will we still continue
25 to make -- make our meeting in Iowa? Is that

1 the intent, either way, we're going -- that's
2 where we're going?

3 **DR. ZIEMER:** Well, I'm -- I don't know that it'd be
4 easy to change it at this point. You're saying
5 what happens if the -- if the review -- as the
6 folks get into the classified documents --

7 **DR. DEHART:** Exactly.

8 **DR. ZIEMER:** -- or on -- what if they're unable to
9 complete the review and we're not ready for
10 final action. I -- I think at this point -- I
11 believe we're nonetheless locked into Iowa and
12 we will still want to hear from the Iowa
13 petitioners and the general public there, so
14 even if we were at the point where we said, you
15 know, we're not ready to even make a final
16 recommendation, it seems to me we're still
17 obligated to go there and go as far as we can
18 with this material.

19 **DR. DEHART:** That's fine, I just -- I just wanted to
20 --

21 **DR. ZIEMER:** (Unintelligible) --

22 **DR. DEHART:** -- confirm that 'cause we have some
23 planning that we have to do, of course.

24 **DR. ZIEMER:** We're not going to be able to switch
25 meetings, I don't -- or meeting places, nor

1 would we want to, I don't believe -- would we?

2 **DR. WADE:** I think we could; I don't know that we
3 would want to.

4 **DR. DEHART:** Thank you.

5 **DR. ZIEMER:** But I think Roy is asking what if two or
6 -- two weeks from now it became very clear that
7 we could not finalize Iowa, would we want to
8 wait till the following meeting so that we were
9 there at the time when we took action. That's
10 what -- really what you're asking, I believe.
11 Right?

12 **DR. DEHART:** That's correct. Obviously we need a
13 meeting, and I just wanted to assure that --
14 that we all felt comfortable that that is where
15 we're going to go.

16 **DR. ZIEMER:** Anyone -- any of the rest of you have
17 comments on that? Do you --

18 **MS. HOMER:** Dr. Ziemer, this is Cori. We do have a
19 contract with a hotel in Cedar Rapids, signed,
20 so it'd be difficult to change locations at
21 this late date.

22 **DR. ZIEMER:** Okay. Other comments? I think we're --
23 I think we're going to proceed. We're going to
24 be optimistic that we will have what we need to
25 take action. Any -- anything else on agenda?

1 **MR. PRESLEY:** This is Bob Presley.

2 **DR. ZIEMER:** Bob.

3 **MR. PRESLEY:** On the agendas again, could I ask that
4 whoever sends the agendas out, sometimes the
5 agendas are still going out with some type of a
6 document. I don't know whether I'm the only
7 one on the Board or what it is, but I have not
8 gotten an agenda this time that I could read.

9 **DR. ZIEMER:** Really?

10 **MS. HOMER:** I'll make sure you get that, Bob.

11 **MR. PRESLEY:** Thank you.

12 **DR. ZIEMER:** Okay. Then I think we're -- we're ready
13 to move on to the Special Exposure Cohort task
14 issue. Mark --

15 **DR. WADE:** Why don't you let Mark Griffon --

16 **DR. ZIEMER:** -- you want to (unintelligible) off for
17 us?

18 **UNIDENTIFIED:** Sure.

19 **MR. GRIFFON:** I'm sorry, Paul, this is Mark Griffon.

20 **DR. ZIEMER:** Yeah, Mark.

21 **MR. GRIFFON:** One more thing on the agenda, I don't
22 have the agenda in front of me, either, did --
23 was there -- after the Iowa petition
24 discussion, are there any other agenda items on
25 -- on the agenda?

1 **DR. ZIEMER:** We have contract actions with SC&A on
2 there where we would -- if we have an action to
3 take on the -- on petition review task, there's
4 -- that's -- that would go, or any changes to
5 be made in contractor's task are on there, any
6 actions that come out of the subcommittee --
7 for example, we -- we -- I don't see it here
8 now, but I'll mention to Lew we'll need to have
9 a place for action on the wrap-up of the first
10 20 cases.

11 **MR. GRIFFON:** Right.

12 **DR. ZIEMER:** And I'm -- I believe -- we're hopeful
13 the subcommittee will also have a
14 recommendation on handling the procedures
15 review task, so we'll need -- need those to be
16 in that Wednesday afternoon slot.

17 **MR. GRIFFON:** Right.

18 **DR. WADE:** I was also going to try and do a cost
19 accounting of the contract --

20 **DR. ZIEMER:** Right.

21 **DR. WADE:** -- give you a sense --

22 **DR. ZIEMER:** Right.

23 **DR. WADE:** And then maybe look three Board meetings
24 out to start to roughly put together agenda for
25 subsequent Board meetings so we could have a

1 bit of a future planning in our process.

2 **DR. ZIEMER:** I would also suggest, and we can be
3 flexible on this, but if we can have a 15 or
4 20-minute program update as to where we are in
5 the cases processed and so on. Usually we have
6 it at the front end of our meeting, but if we
7 had it here, even if we ran out of time, we
8 could have it with a written report.

9 **DR. WADE:** Okay. That will be added.

10 **DR. ZIEMER:** Okay, Mark?

11 **MR. GRIFFON:** Yeah, and I think earlier in this call
12 I think Mike Gibson mentioned the idea of a
13 need -- or someone mentioned the idea of a need
14 for discussing the Board process and procedures
15 --

16 **DR. WADE:** Right, that --

17 **MR. GRIFFON:** -- going forward, and I think that
18 should be an agenda item in that --

19 **DR. ZIEMER:** Right, right.

20 **DR. WADE:** As well as the motion on Mike's letter of
21 explanation -- regrets. Yeah, my principal
22 interest in the agenda to you is to get the big
23 blocks of Iowa and Mallinckrodt understood and
24 agreed upon.

25 **DR. ZIEMER:** Okay.

TASK FOR SC&A, SPECIAL EXPOSURE COHORT PETITION WORK

DR. WADE: Okay. To the -- to the question of a task for the contractor for SEC petition, obviously the activities of the last several months points out the possibility that the Board might want to engage, in a -- in a very timely fashion, its contractor on the review of SEC petitions. And we don't have a task in place and I would like to proceed with some dispatch to (unintelligible) task in place.

When the contract was originally framed, the original scope of work which was provided to you for discussion -- if you go to the last page of what was provided, it's page seven, there was language put in the original contract to deal with the review of SEC petitions, and I can read that language; it's very brief. (Reading) The contractor shall be available to assist the Advisory Board in reviewing SEC petition determinations. The contractor may be requested to assist in some or all of the SEC petition reviews.

It goes on to say (reading) The contractor shall review all relevant methodologies and/or procedures employed by NIOSH evaluating and

1 processing SEC petition consistent with the
2 statute and the SEC regulations.

3 The reality of the SEC petition review work is that
4 it would -- it would tend to be very
5 spontaneous. It could be very different one
6 case to the other. We don't know what kind of
7 petitions we will receive. We don't know -- I
8 don't know what the Board might want of SEC
9 (sic) in any particular case. So -- so I think
10 there are two things at play here. There is
11 sort of a need to have a very responsive --
12 potentially responsive task in place that the
13 Board could say to the contractor please look
14 at this for us, or look at these questions for
15 us, or give us your opinion on these issues.
16 And then the second is a more methodical review
17 of methodologies and procedures.

18 Towards the first, what I would propose is that
19 following a discussion here we look at putting
20 a very open-ended task in place within the SC&A
21 contract that would really basically say that
22 the Board anticipates approaching SC&A on
23 issues related to SEC petitions up to a certain
24 number per year, and that the Board imagines
25 that in response to that SC&A would have to

1 spend man-hours up to a certain amount of
2 money. We could then get an independent
3 government cost estimate for such a task, and
4 then have that task in place quickly so that
5 the Board could, at a moment's notice, ask SC&A
6 under that task to take on particular work. We
7 don't know exactly what that work would -- or
8 could be.

9 We could move very quickly to do that if we had a
10 discussion of the Board today and the Board is
11 comfortable with such an open-ended task and
12 then allows me to pursue an independent
13 government cost estimate. It is very likely we
14 could have a task in place -- a responsive task
15 in place by the time we met in -- at the end of
16 April.

17 There is also the more methodical potential review
18 that is covered in the second sentence I read,
19 and I think towards that end Mark had developed
20 during the subcommittee meeting some language
21 to -- to talk about a sort of a more review
22 type of function. It is not so much a
23 responsive function. I think we certainly need
24 the responsive function and as the Board feels
25 it's in order we could pursue a review

1 function. But I would like to see the
2 responsive function in place quickly so that
3 the Board could request action as early as its
4 next meeting.

5 Mark, would you want to walk folks through the
6 document you developed, as well?

7 **MR. GRIFFON:** Yeah. Yeah, I'm trying to in my mind
8 sort out the -- the distinction. I mean mine -
9 - yeah, this -- this is a -- I don't know if
10 you forwarded this to the rest of the Board --

11 **DR. WADE:** Yes, we did -- I believe we did.

12 **MR. GRIFFON:** Okay. But it -- you know, it lays out,
13 as best we -- as best I could, sort of trying
14 to anticipate the work that might be done to
15 support us and -- in SEC petition evaluation
16 report reviews. And it starts off with
17 reviewing the procedures that are in place --
18 ORAU procedures (unintelligible) ORAU/NIOSH
19 procedures.

20 **DR. ZIEMER:** Before Mark starts -- this is Ziemer
21 again -- let me ask if the Board members in
22 fact all have copies of Mark's draft. It's
23 called Special Exposure Cohort Petition Review
24 Task Order.

25 **DR. ROESSLER:** I think so, is it a two -- two-page

1 document?

2 **MR. GRIFFON:** A two-page --

3 **DR. ZIEMER:** A two-pager.

4 **MR. GRIFFON:** -- document, yes.

5 **DR. ZIEMER:** Let's see, Mark, the correct version --
6 is there a date on the most recent version?

7 **MR. GRIFFON:** There's no date on what I forwarded,
8 unfortunately. I apologize for that.
9 (Unintelligible) before the last subcommittee
10 meeting.

11 **DR. ZIEMER:** Okay.

12 **DR. ROESSLER:** This is Roessler. I got one by e-mail
13 on March 31st from Cori. Is it part of a March
14 31st e-mail?

15 **DR. WADE:** Right, that would be it.

16 **DR. ZIEMER:** Yeah.

17 **DR. ROESSLER:** That's it? Okay.

18 **MR. GRIFFON:** Yeah, the title is Special Exposure
19 Cohort Petition Review Task Order.

20 **DR. ROESSLER:** Right.

21 **MR. GRIFFON:** And it's got -- if you look down, it's
22 five main items in the description of work.
23 And like I said, the first one is to sort of
24 review the procedures being used to develop the
25 petition evaluation. Second is to help the

1 Board in developing its own procedure --
2 drafting a procedure for how -- how -- how to
3 review. The third is -- is just an estimate of
4 the number of petitions and, to some extent,
5 the type, because I think (unintelligible)
6 there is a difference of (unintelligible)
7 involved in a DOE petition or a AWE petition,
8 or that -- a petition at a site where there's
9 no site profile or TBD, so that the work
10 required, the man-hours, might be different for
11 those different types of sites or different
12 types of petitions. And the fourth talked
13 about (unintelligible), and then -- and the
14 fifth talks about -- again, detailing some of
15 the data and/or experts that the contractor
16 shall be required to consider in -- in doing a
17 technical review. And that -- and that's it,
18 then the period of performance and the
19 reporting and deliverables.

20 **DR. ZIEMER:** Now Lew, do you -- do you view this as
21 being different from -- or just more detailed
22 than what you just described initially?

23 **DR. WADE:** At least at this point in my thinking,
24 Paul, I see the possibility of two tasks
25 relative to SEC petition reviews, and I think

1 they flow each from the two sentences in the
2 statement of work. What Mark has outlined is -
3 - I would -- I would define as more of a
4 methodical review of procedures and of work,
5 and you know, I think we can pursue that if --
6 if it's the Board's wish.

7 The first -- flowing from the first sentence in the
8 statement of work would be a -- to put in place
9 a more responsive potential task that would
10 allow the Board to approach SC&A with a
11 particular task or question regarding an SEC
12 petition. It might -- it wouldn't fall, in my
13 view, under the heading of a methodical review,
14 but it would be saying to the contractor we
15 would like you to focus on this petition, this
16 question, this aspect of that petition; please
17 get back to us in a fairly timely way.

18 These SEC things have clocks associated with them,
19 and I think -- I would like to see the Board in
20 a position to engage its contractor in a timely
21 (unintelligible) as it needs it, and I would
22 like to see such a task in place, if it suits
23 the Board. It doesn't preclude the more
24 systematic, methodical review that Mark is
25 discussing.

1 **DR. ZIEMER:** It could -- it could be a general sort
2 of process that you described be one of the
3 subtasks in this document that Mark has
4 developed.

5 **DR. WADE:** It could be.

6 **DR. ZIEMER:** Or -- I'm just asking from a practical
7 point of view --

8 **DR. WADE:** I -- I --

9 **DR. ZIEMER:** -- is it better to have two separate
10 tasks or --

11 **DR. WADE:** Well, I --

12 **DR. ZIEMER:** -- or to have one task that's more
13 inclusive?

14 **DR. WADE:** Well, you know, I think you could argue
15 either way. I mean there are arguments that
16 say one task more inclusive. I was trying to
17 get something in place very quickly so that the
18 Board could have it. I guess we could do both.
19 We could get a task in place more quickly and
20 then have that task subsumed into the more
21 complete task that Mark is talking about and
22 that -- so that we would never (unintelligible)
23 have the ability to -- for the Board to engage
24 its contractor if it wanted to on an SEC
25 question.

1 **DR. ZIEMER:** Uh-huh, all right. Basically you're
2 asking whether or not you -- the Board would
3 like you yet at this meeting to begin putting
4 in place this sort of general SEC task.

5 **DR. WADE:** Right.

6 **DR. ZIEMER:** Or -- and alternatively, we would -- or
7 maybe both -- either alternatively or in
8 addition, at our Iowa meeting we would act
9 formally on this document that -- that Mark has
10 developed.

11 **DR. WADE:** Correct.

12 **DR. ZIEMER:** Or we could act on it here if we wished.
13 Board members, do you want to react, respond,
14 comment on these approaches?

15 **MS. MUNN:** This is Wanda. It's almost impossible for
16 me -- when I -- when I first read the document
17 when I received it, my first thought is the
18 stuff that sticks with me now as we discuss it.
19 I do not have personally a good feel for the
20 depth of resources we have here. I've had the
21 impression that our -- our requests of our
22 contractor are stretching not just their
23 resources, but the resources that are available
24 anywhere in the United States, for doing these
25 things. And I continue, as mentioned earlier,

1 to be concerned about how much financial
2 cushion we have to do these things.

3 I don't see how I personally can take a position on
4 what to do with this task in front of us. I
5 understand what Lew's saying with respect to
6 the need for rapid response in these
7 circumstances. But by the same token, I don't
8 have a strong feeling for what this means to
9 our contractor.

10 **DR. ZIEMER:** I don't know if anyone's prepared to
11 answer those questions, but they are some
12 thoughts to be considered. Other comments or
13 questions?

14 **DR. MELIUS:** Yeah, this is Jim Melius.

15 **DR. ZIEMER:** Jim.

16 **DR. MELIUS:** I agree that we're pressing our
17 contractor, but I think it's pressing them in
18 terms of the time expectations. We're giving
19 them short time frames to respond to the
20 document that has taken NIOSH months or years
21 to develop, and then we're expecting them -- in
22 two weeks or two months -- to (unintelligible)
23 comprehensive review (unintelligible) out that
24 (unintelligible) time to have done all the sort
25 of procedural review (unintelligible) you know,

1 that would facilitate the (unintelligible) site
2 profile reviews or whatever. So I'm not
3 concerned about the resources of our
4 contractor, except in the sense that what I
5 think we're sometimes making unrealistic
6 (unintelligible) on them.

7 Regarding this task order -- these (unintelligible)
8 proposals (unintelligible) I'd be supportive of
9 having the rapid response task order replaced
10 by our (unintelligible) 'cause I think there
11 may be some issues that may need to be dealt
12 with that -- I'm a little reluctant to use that
13 as our sole and only approach to dealing with
14 SEC petition reviews because I think we need to
15 develop a consistent approach. I don't
16 (unintelligible) something that we can do by
17 asking selective questions. I think the more
18 comprehensive approach to evaluating those
19 evaluations that (unintelligible) is producing
20 and I -- I think that -- see, I would like to
21 see, and again I'd be willing to approve a
22 short-term -- the short term of selective rapid
23 response, but that needs to be phased out and
24 we need -- subsumed by a more comprehensive
25 task order to evaluate the SEC petition

1 evaluations.

2 **DR. ZIEMER:** So bottom line, Jim, you're suggesting
3 that perhaps we'd go ahead with the sort of
4 general task order and then spend a little more
5 time on developing the more detailed one? Is
6 that...

7 **DR. MELIUS:** (Unintelligible) 'cause I think we -- on
8 the more detailed one I think we need to be a
9 little bit more specific about what questions
10 we want them to address and how we want them to
11 (unintelligible) questions that I'm not sure
12 were quite there that (unintelligible) think we
13 should be ready by the --

14 **DR. ZIEMER:** Okay, well --

15 **DR. MELIUS:** -- (unintelligible) set up by the time
16 of the meeting in Iowa in a couple of weeks.

17 **DR. ZIEMER:** Okay. Other comments or suggestions?

18 **MR. GRIFFON:** Yeah, this is Mark Griffon. I mean
19 that's part of my reaction I guess to the quick
20 response or fast response open-ended task is
21 that, you know, we're -- I'm just -- I get a
22 little nervous that we're going to set
23 ourselves up for problems with consistency on
24 how we (unintelligible) petitions. And these
25 first few that we handle are going to

1 potentially set precedents, so I think that we
2 -- we really need to have that in mind as we
3 proceed, you know, understanding certainly the
4 time pressures that we have on these two. And
5 I also think it's important to put -- you know,
6 to just put this in a little bit of context
7 that, you know, the Board certainly considered
8 this a long time ago --

9 **DR. WADE:** Uh-huh.

10 **MR. GRIFFON:** -- and we had this in our initial
11 contract language.

12 **DR. WADE:** Yeah.

13 **MR. GRIFFON:** I mean I remember drafting this stuff -
14 - I think it was over two years ago. I
15 remember it being discussed in Idaho and I
16 remember that basically we were told that --
17 that NIOSH felt that -- that our contractor
18 should not have a role in regard to SEC
19 reviews. So now to be put under the gun to
20 sort of ad hoc phrase questions and review
21 petitions I think could put us in a jam as we
22 go forward. I think -- you know, part of the
23 reason in this task order that I drafted, part
24 of the reason for number two -- I think it's
25 number two -- is so that we have some sort of

1 consistent procedures internally, within the
2 Board, on how we're going to handle these, and
3 that may include some more specific, you know,
4 framed questions that we want to address when
5 we kick into that kind of review.

6 Also I should say that I don't anticipate that for
7 every petition we would necessarily take --
8 make a Board motion to (unintelligible) have it
9 reviewed by -- by -- you know, by SC&A. You
10 know, some petitions may have issues that we
11 believe we're fully capable of handling without
12 the technical assistance of SC&A and we proceed
13 as we did on the first two classes within
14 Mallinckrodt. But where it is -- you know,
15 where we do decide that we need technical
16 assistance, I think we -- we -- I'm worried
17 about that consistency.

18 **DR. WADE:** Understood.

19 **DR. ZIEMER:** This is Ziemer again. Let me pose a
20 question to Lew. Is -- is there anything that
21 would change between now and our regular full
22 meeting if we have the -- sort of this general
23 task order that you described? We already have
24 covered -- the Iowa and the Mallinckrodt are
25 being covered under the tasks of the -- of the

1 site profile reviews, so those will continue in
2 any event. Right?

3 **DR. WADE:** Correct.

4 **MR. GRIFFON:** Paul, but the -- this is Mark Griffon.

5 I mean they're being covered in the sense that
6 the site profile documents are being reviewed,
7 but the contractor has not been asked to review
8 the petitions in any way, and there is a
9 distinction there.

10 **DR. WADE:** That's right.

11 **DR. ZIEMER:** Yes, but I'm asking if anything would
12 change for these two in the next two weeks if
13 we had this --

14 **MR. GRIFFON:** Oh, I see --

15 **DR. ZIEMER:** -- supposed doc-- in other words, is
16 there an urgency on doing that or can we -- can
17 we delay until our meeting where we fully
18 discuss Mark's draft and whether or not we need
19 the -- this additional sort of broad task
20 order.

21 **DR. WADE:** Right. The only -- the only contingency
22 that I would (unintelligible due to static on
23 telephone line) not knowing what would happen
24 at the next (unintelligible) holding open the
25 possibility that the Board might decide at that

1 point that it would want some, quote, SEC work
2 done by the contractor and I was trying to have
3 a mechanism in place. The path --

4 **DR. ZIEMER:** So ready --

5 **DR. WADE:** -- we're on now --

6 **DR. ZIEMER:** -- to go --

7 **DR. WADE:** -- of having --

8 **DR. ZIEMER:** -- immediately.

9 **DR. WADE:** Excuse me?

10 **DR. ZIEMER:** So it would be ready to go immediately?

11 **DR. WADE:** Right. But you know, I also understand
12 Mark's concerns and the logic of what he's
13 saying. I mean developing this, you know, more
14 fully at the next meeting is also fine. I was
15 just trying to have something in place as a
16 contingency, not knowing what might happen at
17 the next Board meeting -- or subsequent Board
18 meetings. But you know, I do understand the
19 need to take the more methodical approach, and
20 I'm not opposed to that.

21 **DR. ZIEMER:** If the Board wishes to have the -- what
22 I'll call the contingency task in place, and we
23 would -- the Chair would like a motion to that
24 effect. In the absence of a motion, it would
25 be my intent that we would take full action on

1 Mark's draft at our upcoming meeting.

2 **MR. GRIFFON:** Can I ask one more question? Mark

3 Griffon.

4 **DR. ZIEMER:** Yes.

5 **MR. GRIFFON:** At the -- at the subcommittee meeting I
6 was under the understanding that, you know, we
7 have this -- this (unintelligible) that I
8 brought this up (unintelligible) meeting and I
9 was under the understanding that we -- we said
10 to Lew -- Lew Wade, you know, we're -- we're
11 comfortable (unintelligible) entire Board is
12 (unintelligible) comfortable with Lew going
13 away and doing (unintelligible) cost estimate
14 for this and moving forward pending a vote by
15 the full Board on this draft task order. I
16 don't understand if -- if this more
17 comprehensive task would take longer to work
18 through the system than the -- than the other -
19 - the other task that Lew was describing, the
20 more general task, the (unintelligible) open-
21 ended task.

22 **DR. ZIEMER:** Lew, do you --

23 **DR. WADE:** I think in principle it would, Mark,
24 although, you know, we won't know until we do
25 that. You know, I think to develop a cost

1 estimate -- first to flesh this out and develop
2 a cost estimate for it is going to take some
3 time. You know, at any point you like we can
4 start on that. I was just looking at the
5 possibility of a contingency in place, but it
6 really is at the Board's -- for the Board's
7 needs that I was doing that. If the Board
8 doesn't feel so inclined, that's fine with me.

9 **DR. ZIEMER:** One other option would be to do a sort
10 of preliminary approval of this draft -- or an
11 actual approval -- it's the Board's prerogative
12 to approve it as it is -- and ask Lew to
13 proceed on developing a government cost
14 estimate. So that's another option, obviously.
15 But the Chair is open to motions for specific
16 action. Otherwise it will simply be delayed
17 till our regular meeting next -- at the end of
18 the month.

19 (No responses)

20 **DR. ZIEMER:** Are there no motions?

21 (No responses)

22 **DR. ZIEMER:** Okay. I hear no motion to have the --
23 what I'm describing as the contingency task.
24 Then without objection, this will be on the --
25 on the agenda for action at the next meeting.

1 Now Mark, do you want to solicit -- in the meantime
2 solicit any comments for wording and so on on
3 this?

4 **MR. GRIFFON:** Sure, yeah. Yeah.

5 **DR. ZIEMER:** So Board members, if you want -- if you
6 want to give feedback to Mark, and perhaps --
7 perhaps we can give some thought, Mark, to
8 adding a paragraph that would deal -- or would
9 address sort of specific issue kinds of things.
10 Maybe it's already contained in here, but you
11 know, where -- where we're not asking for a
12 complete review of all parts of a particular
13 petition, but that's something that could be
14 added.

15 **MR. ELLIOTT:** This is Larry Elliott. Dr. Ziemer and
16 Mark, I would (unintelligible) both of you.
17 Number -- item number three under Mark's draft
18 speaks to reviewing numbers of petitions from
19 different categories. I'm just -- I would
20 offer for your consideration that perhaps maybe
21 this -- this number three might be where you
22 could craft that language so that you can
23 provide a (unintelligible) reaction by review.
24 We here in OCAS simply can't predict how many
25 petitions are we going to get or where those

1 petitions are going to come from. And right
2 now we have -- we do not even have eight.

3 **DR. ZIEMER:** Right. In fact I think we -- I think
4 when we talked about this, Mark, we talked
5 about making that up -- up to or something, and
6 we put some numbers in there mainly so there'd
7 be a way of getting our cost estimate, that the
8 contractor would be able to give a unit cost
9 based on a certain number (unintelligible).

10 **MR. GRIFFON:** That's correct, and I (unintelligible)
11 it up to, I didn't circulate that yet, but
12 that's correct.

13 **DR. ZIEMER:** Yeah, right. So -- yeah, we understand
14 that, Larry, that we don't want to mandate
15 they're going to do a certain number. We don't
16 even if that number will come in, but we're --
17 we're aware of that. Right?

18 **MR. GRIFFON:** Yes.

19 **DR. ZIEMER:** And I think minor modifications could be
20 (unintelligible) so that it covered the things
21 that Lew talked about, probably.

22 **DR. WADE:** Right. Just the one question that -- that
23 I had, and obviously we can talk about this, is
24 are we really talking about a retrospective
25 review where we would be looking at the SEC

1 process as it had taken place, or are we trying
2 to look at a task that would provide the Board
3 information in real time as it makes decisions?

4 **DR. ZIEMER:** I think it's the latter. We're not
5 looking at this as a -- as a quality control
6 type of thing like we do on the dose
7 reconstructions.

8 **DR. WADE:** Okay.

9 **DR. ZIEMER:** Isn't that correct? Is that everybody's
10 understanding, that we're looking for
11 assistance in the decision-making?

12 **MR. GRIFFON:** Yes, that's my understanding.

13 **MR. PRESLEY:** This is Bob Presley, that's my
14 understanding.

15 **DR. ZIEMER:** Yeah. So in that respect it is
16 certainly different from the other two
17 processes, dose reconstruction and site profile
18 reviews, as a quality control procedure.

19 Okay, I think we have what we need on this item
20 (unintelligible). Right?

21 **DR. WADE:** Yes.

22 **DR. ZIEMER:** We're ready then to move to the public
23 comment --

24 **MR. GRIFFON:** Paul, can I (unintelligible) --

25 **UNIDENTIFIED:** Excuse me (unintelligible) --

1 **DR. WADE:** One other issue (unintelligible) --

2 **DR. ZIEMER:** Are we getting interference?

3 **MS. MUNN:** I'm getting lots of interference. I can
4 hardly hear you, Dr. Ziemer, and --

5 **DR. ZIEMER:** Again, let me ask that --

6 **MS. MUNN:** -- lots of static. Am I the only one --

7 **DR. ZIEMER:** -- (unintelligible) if you have
8 (unintelligible) --

9 **MR. PRESLEY:** (Unintelligible) this is Bob Presley.
10 I'm getting the same thing.

11 **DR. ZIEMER:** -- (unintelligible) your phones.

12 **MS. MUNN:** That's better.

13 **PUBLIC COMMENT PERIOD**

14 **DR. ZIEMER:** Now we are open for public comment and
15 (unintelligible) on members of the public and
16 the Board is not in a position to discuss with
17 you specific cases. You're free to describe
18 any particular things you wish, but these will
19 be without comment (unintelligible) the Board
20 (unintelligible) listen to what you may have to
21 say --

22 **MS. SCHUMACHER-KORDING:** Dr. Ziemer --

23 **DR. ZIEMER:** -- (unintelligible) -- yes?

24 **MS. SCHUMACHER-KORDING:** This is Sharon Schumacher-
25 Kording in (unintelligible). May I go first,

1 please?

2 **DR. ZIEMER:** We'd be glad to have you do so --

3 **MS. SCHUMACHER-KORDING:** I appreciate --

4 **DR. ZIEMER:** -- (unintelligible).

5 **MS. SCHUMACHER-KORDING:** -- the Board

6 (unintelligible) Iowa, but I have travel plans
7 that cannot be broken. I will not be there. I
8 have -- first question, has any representative
9 of Grassley or Harkins (sic) come on board
10 during this conversation?

11 **MR. (UNINTELLIGIBLE):** Yes, (unintelligible) is here
12 with Senator Grassley.

13 **MS. SCHUMACHER-KORDING:** Okay, thank you very much,
14 because I have a real concern about how
15 intently our legislatures (sic) in Iowa are
16 fighting for us versus those in Missouri.
17 Those in Missouri are awarded. The comparison
18 that NIOSH is making on this dose
19 reconstruction, you use Pantex and using the
20 bomb (unintelligible) of Japan. First of all,
21 comparing IAAP with Pantex is about like
22 comparing the state of Texas to the state of
23 Iowa. They have one commonality and that's
24 they're both states. Same thing with the dose
25 reconstruction process. One commonality, they

1 were AEC plants. Other than that, it's totally
2 different situations. That's a known fact,
3 regardless of what NIOSH says it is
4 (unintelligible).

5 Wanda's concern, other Board members' concerns about
6 (unintelligible). I'm not sure how long the
7 Board's been put together, two years or three
8 years. There's a great deal of money spent
9 (unintelligible). Everybody (unintelligible)
10 yes, there's this problem and up front
11 compensated all these people there would have
12 been several hundred thousand dollars saved
13 (unintelligible). I'm disappointed totally in
14 NIOSH (unintelligible) they have become
15 (unintelligible) they have been non-
16 communicative with some of us that would
17 occasionally write down a question that
18 (unintelligible) answers from them, very up
19 front answers from them and at this point they
20 have become non-communicative with us. I don't
21 know why. I don't know why they don't feel
22 that your contractor should not be involved in
23 the SEC (unintelligible) something for you guys
24 to decide.

25 It's just a real runaround. The Japanese bombings

1 comparatively to the amount of radiation
2 exposure, that's like all of us going into the
3 (unintelligible) of the apple tree that has a
4 bunch of finches in it versus us all going out
5 and sitting under a pine tree that has a bunch
6 of vultures in it. One commonality, they're
7 both birds. You know, the only commonality
8 here is radiation (unintelligible) there's
9 other people on this line (unintelligible) more
10 detailed information, but I have also found
11 (unintelligible) many, many sites that say that
12 the time line for radiation is not what NIOSH
13 claimed it to be, but it's longer. And how
14 these people (unintelligible) IAAP put their
15 hand in the pits and not have an adequate
16 amount of dose exposure is beyond me. And I
17 won't go into the sadness of the whole thing.
18 You heard all that in St. Louis and I'm sure
19 you'll hear it in Cedar Rapids.

20 There's documents that I would like to find ways of
21 getting. I'm sure that (unintelligible) on the
22 line will also have those concerns about
23 (unintelligible) documents we heard about today
24 and we'll have them.

25 My last question to you, at this point do you have

1 any idea when your meeting after Cedar Rapids
2 would be?

3 **DR. ZIEMER:** What was the question, is when
4 (unintelligible)?

5 **MS. SCHUMACHER-KORDING:** Your one in Cedar Rapids is
6 (unintelligible) weeks.

7 **DR. ZIEMER:** Monday, April 25th --

8 **MS. SCHUMACHER-KORDING:** Right, when will your
9 meeting following that be, an approximate time
10 line month?

11 **DR. ZIEMER:** Oh, let's see, if Cori's on the line
12 maybe you can --

13 **MS. HOMER:** I am.

14 **DR. ZIEMER:** We (unintelligible) rough time lines but
15 I don't know if we have it pinned down yet.

16 **MS. HOMER:** We're looking at the second week of July,
17 the 6th, 7th and 8th tentatively.

18 **MS. SCHUMACHER-KORDING:** Thank you, Cori, I
19 appreciate that. This way I can have it on my
20 calendar and not have anything else interfere
21 with it, so I appreciate that. Thank you for
22 your time.

23 **DR. ZIEMER:** Thank you. Other members of the public
24 wish to comment?

25 **MS. GRAHAM:** Yes, I would.

1 **DR. ZIEMER:** Please give your name and location.

2 **MS. GRAHAM:** My name is Paula Graham and I'm from
3 Iowa -- Fort Madison, Iowa, and I want to talk
4 about the IAAP. And I've been taking notes
5 here as you talked, and one thing I want to
6 stress again is transparency. We need to be
7 able to see this information. I know it's
8 classified, but surely the workers need a
9 representative to look at that classified
10 information or the classified documents. I
11 don't want to -- one person I would suggest
12 would be Dr. Laurence Fuortes from the
13 University of Iowa. He has scientific and
14 medical expertise and I think that all of the
15 workers trust him completely on this. I do
16 remember Larry Elliott saying about that they
17 were working on a revised site profile at the
18 meeting, and thought that the Board members
19 understood that, too, and then you voted on it
20 after he had made that comment. So I really
21 think that you -- the SEC approval for the IAAP
22 should stand.

23 However, I think that the workers and survivors came
24 prepared to the St. Louis meeting with some of
25 the evidence. It's been four-plus years since

1 EEOICPA Act was passed in 2000. And it seems
2 to me that our government agencies could have
3 had this worked through sooner than this. I
4 realize it takes a lot of time to get something
5 organized, but this seems like a lifetime to
6 these people back here.

7 I have some questions. You're going to be reviewing
8 things that (unintelligible) -- what is it,
9 SC&A? -- have to provide you. You're going to
10 be reviewing the revised site profile and other
11 things. What about information that workers
12 and survivors have gathered since your meeting
13 in St. Louis? I think (unintelligible) days in
14 the basement of the Lee County Health
15 Department here in Fort Madison, Iowa, where a
16 lot of documents and records are stored about
17 the IAAP and -- just a second, I can tell you
18 when (unintelligible) -- here it is. It's
19 called the -- it's called the work plan for
20 supplemental remediation investigation for Line
21 1 (unintelligible) for the IAAP. And that's
22 what -- we've been researching this thing at
23 the historical site (unintelligible) for the
24 IAAP and we've come up with another thing.
25 We've paid money to copy these pages and we

1 made comments on them, and if we
2 (unintelligible) those at the Cedar Rapids
3 meeting, you're not going to have time to look
4 them over. My question is would you like to
5 see these, Dr. Ziemer, for me to mail them to
6 you?

7 **DR. ZIEMER:** These -- these kinds of documents --
8 this is the reason we have a contractor to help
9 us out because the Board members are not in a
10 position to individually review all of these
11 documents personally, so --

12 **MS. GRAHAM:** Yes.

13 **DR. ZIEMER:** Yes, so we do have our contractor that
14 helps with this kind of thing.

15 **MS. GRAHAM:** Well, should they be (unintelligible)?

16 **DR. ZIEMER:** I don't know which documents you have,
17 but if -- if NIOSH has them available and our
18 contractor (unintelligible) will have them
19 available, as well.

20 **MS. GRAHAM:** You mean --

21 **DR. ZIEMER:** Are we talking about documents that
22 NIOSH is not aware of?

23 **MS. GRAHAM:** Well, I've come across things that they
24 haven't even mentioned in the site profile.

25 **DR. ZIEMER:** Uh-huh.

1 **MS. GRAHAM:** For instance, I'll give you an example,
2 in the 1960's, according to this -- this
3 document, it's the historical site assessment,
4 in the 1960's an atomic bomb -- there was an
5 airpl-- so it says here, an airplane crashed.
6 An atomic bomb evidently fell out of the plane
7 some way and on the cement it damaged it and it
8 was brought to the Iowa Army Ammunition Plant
9 to be disassembled. I've talked to another
10 person --

11 **DR. ZIEMER:** Well, what might be (unintelligible) is
12 -- Paula, is that if you have documents that
13 you think have not been seen NIOSH, that you
14 make your list of documents available.

15 Larry, is this appropriate that if Paula has
16 additional documents that she can -- you could
17 at least examine the titles and assure that
18 they have been reviewed?

19 **MR. ELLIOTT:** Certainly -- this is Larry Elliott.
20 Certainly we would love to have any information
21 that can be provided about Iowa that we may not
22 have discovered ourselves, and we would make
23 that -- you know, if you send it to me, Mrs.
24 Graham, I'll make sure that Sanford Cohen &
25 Associates has it, as well.

1 **MS. GRAHAM:** Okay. It's quite a few pages. I've
2 copied the ones that I thought were pertinent,
3 that maybe helped the cause.

4 **DR. ZIEMER:** And Paula, I believe you have Larry's
5 address 'cause you've -- we've had --

6 **MS. GRAHAM:** I probably do. I have his e-mail and
7 everything else. I've talked to him before.

8 **DR. ZIEMER:** If you can make sure -- if you have
9 documents that perhaps may have not been
10 discovered, make sure that they are available
11 and if NIOSH gets them, they're in the system
12 and they will become available --

13 **MS. GRAHAM:** Yeah, (unintelligible).

14 **DR. ZIEMER:** -- to the Board and its contractors, as
15 well.

16 **MR. ELLIOTT:** Mrs. Graham, I'll have -- I'll -- we'll
17 call you and give you our Federal Express
18 number to use.

19 **MS. GRAHAM:** Okay. I -- that's -- does that --
20 that'll be pretty helpful, and then I can FedEx
21 it to you like overnight or something, next
22 day?

23 **MR. ELLIOTT:** That'll be fine.

24 **MS. GRAHAM:** Okay. It might take me a day or two to
25 make a bunch of copies again because I want to

1 keep a copy, and then I -- I'll send you most
2 of the -- of other things that we have
3 uncovered in this historical site profile
4 assessment. This is available to the public.
5 It's been there for quite a while and it's so
6 dusty and the lady asked (unintelligible) to
7 bring a dust rag 'cause she said nobody comes
8 to see it, you're the only people. We looked
9 at some of these in 2001 but then I had to have
10 surgery and was sick, and so we went back in
11 the last two or three weeks and spent a lot of
12 time there. And -- and I know (unintelligible)
13 up there to use at the meeting and people
14 laughed at some of these things, but you won't
15 have time to look them over. Oh, I will be
16 there and if Larry will send me, like you say,
17 his FedEx number, I'll get it out in the next
18 few days.

19 **MR. ELLIOTT:** Mrs. Graham, if you would -- Mrs.

20 Graham, if you would, just send me an e-mail
21 with your phone number just so I make sure I
22 have your current phone number.

23 **MS. GRAHAM:** Okay. Is this Larry?

24 **MR. ELLIOTT:** Yes.

25 **MS. GRAHAM:** Okay, I will.

1 **MR. ELLIOTT:** Okay.

2 **MS. GRAHAM:** I'll send you one.

3 **DR. ZIEMER:** Thank you, Paula.

4 **MS. GRAHAM:** And so I wanted to bring out some of
5 these things right here today that I'm making
6 some of them since you started talking here
7 today, I'm (unintelligible) of other things,
8 but I'll just send all that to Mr. Elliott and
9 he can give it to --

10 **DR. ZIEMER:** Yeah, that'll be the most efficient way
11 to do it, I think.

12 **MS. GRAHAM:** -- SC&A and then I would like to
13 (unintelligible) in Cedar Rapids I'd like to
14 have a chance to talk.

15 **DR. ZIEMER:** Right.

16 **UNIDENTIFIED:** Excuse me, please. Can I interrupt
17 here for a minute?

18 **MS. GRAHAM:** Sure.

19 **UNIDENTIFIED:** (Unintelligible) Iowa.

20 **MS. GRAHAM:** Pardon me?

21 **DR. ZIEMER:** Paula, have you finished?

22 **MS. GRAHAM:** Yes. Okay.

23 **DR. ZIEMER:** Thanks. Who's --

24 **UNIDENTIFIED:** (Unintelligible) Ziemer
25 (unintelligible).

1 **DR. ZIEMER:** Who is the next speaker?

2 **MR. (UNINTELLIGIBLE):** This is Ed (unintelligible) in
3 Burlington, Iowa.

4 **DR. ZIEMER:** Yes.

5 **MR. (UNINTELLIGIBLE):** I have a note about that item
6 she mentioned that was brought up here
7 (unintelligible). I'm part of the team that
8 dismantled that unit. It was in what you
9 people call a Gravel Gertie number one. We had
10 one through six here. That was
11 (unintelligible) 25. (Unintelligible) and I
12 were solicited by the -- the shift supervisor
13 and (unintelligible) Illinois, he's no longer
14 with us. He petitioned us real hard to go down
15 and take that apart. We both worked together a
16 lot with (unintelligible) and special
17 operations. We (unintelligible) we did it
18 (unintelligible) and that was (unintelligible)
19 and I dismantled it and it was the first of
20 two. The second we refused to do because the
21 supervisor as the first one said if you guys
22 will take that apart for me, when you're done,
23 you're done. About 9:30, 20 minutes to 10:00,
24 we were done with it. The biggest problem with
25 the disassembly and recasing that in a good

1 (unintelligible) possibility. When we got
2 through with it, I said (unintelligible) let's
3 go to the equipment room and see if we can
4 scare up a cup of coffee (unintelligible) and
5 there sat Paul (unintelligible) we were done,
6 we were done, we thought we'd go scrounge up a
7 cup of coffee. He said no, don't leave the
8 work area. So we went back to -- in the area
9 and went back to work, what we were doing
10 before. It wasn't two weeks before we were
11 picked for another one and we flatly refused
12 that one. That was taken apart by Paul
13 (unintelligible), the supervisor, and a
14 production foreman by the name of Todd, Davey
15 Todd. Then when the rest of us went home at
16 midnight they were still working on it. I
17 thought you might be interested in knowing that
18 bit of information. It's factual. And I don't
19 know what else I can say to you except I
20 appreciate the efforts that are being
21 (unintelligible) put forth (unintelligible) to
22 get some facts for this stuff. The question
23 that I have is why are you concentrating on
24 radiation problems (unintelligible)? This was
25 the first established (unintelligible) got the

1 contract. They didn't know what the Sam Hill
2 they were doing. I was hired the 19th of June
3 of 1950 and worked until about (unintelligible)
4 April, '75. And whenever I got bored with
5 whatever I was doing, I exercised my seniority.
6 I worked in every production building
7 (unintelligible) facility except 1051, 1052 and
8 111. One time (unintelligible) of 111. So I
9 would like to know why you don't start from
10 scratch. To the best of my knowledge, the
11 assembly operations were started in 113
12 building in 1949. I (unintelligible) tell you
13 what went on in each segment (unintelligible)
14 of that building (unintelligible) term of
15 employment there. I worked there '50, '51 and
16 until October of '52 when it was necessary to
17 close that operation down for (unintelligible)
18 fit building maintenance. We had a week of
19 orientation and were sent to the line property
20 as assistants in what was at that point in time
21 a primary machining situation, and in addition
22 to machining they had the prep area where the
23 raw material was cleaned, inspected and
24 portioned out for shipment to the
25 (unintelligible). I don't know what else I can

1 tell you people other than I have -- that
2 particular question bothers me.

3 **DR. ZIEMER:** Uh-huh.

4 **MR. (UNINTELLIGIBLE):** I can no longer recall an
5 individual that I worked with in 1950 that's
6 still living. I've got a horrible shortness of
7 breath problem that I contribute to my
8 activities in the preparation area, more
9 particularly to the preparation of the berytol
10 mix that was pulverized and centron'd and
11 inspected and weighed in proper quantities and
12 shipped up to the -- to the mill, whichever
13 mill had the -- the pour scheduled. And I have
14 had shortness of breath since that point of
15 time, and I worked in that area for better than
16 two years.

17 **DR. ZIEMER:** Uh-huh.

18 **MR. (UNINTELLIGIBLE):** I don't know -- I'm trying to
19 keep my ear to the ground on this thing. I'm
20 trying to be available for comment. I've had
21 some --

22 **DR. ZIEMER:** Okay. Well, we appreciate this input,
23 Ed, and --

24 **MR. (UNINTELLIGIBLE):** I mean we've -- I've had some
25 commentaries from a young lady in the state of

1 Washington, pretty long question and answer
2 session, and I try to be as factual as I can.

3 **DR. ZIEMER:** Yeah. Well, we appreciate the input
4 that you've provided already.

5 **MR. (UNINTELLIGIBLE):** I just have one big question
6 for you people. Why are you concerned about
7 post-1962? You know, we were -- any time that
8 we were ready to question any component part
9 that was integrated into the (unintelligible)
10 assembly (unintelligible), we were given the
11 same answer: You don't need to worry about
12 that; that's clean enough to eat off of. In
13 the last copy that I got of your TBD had that
14 labeled as the floor was clean enough to eat
15 off of. The floor wasn't mentioned. I do wish
16 that you people would have held another meeting
17 at the machinists hall of the constructions
18 trades hall for the old-timers. The one that
19 you had, there was a whole heck of a lot of
20 information brought up to light that was
21 pertinent to this situation, and we all
22 expressed a desire then that you would hold
23 further meetings to go all the way through this
24 original breakdown of what was supposedly done
25 from '47 to '75. And I think you missed the

1 bit on getting a lot of factual information.
2 And I have to point out to you that there's a
3 lot of not factual information presented, too.
4 You understand what I'm trying to say.

5 **DR. ZIEMER:** Okay.

6 **MR. (UNINTELLIGIBLE):** And I try to be as specific as
7 I can without violating trust. We were, I
8 think -- I was a radio operator and
9 cryptographer in World War II. That was the
10 highest clearance -- security clearance
11 available for military personnel and I think
12 that's why I was hired at the (unintelligible),
13 so good luck today and --

14 **DR. ZIEMER:** Okay. Well, thank you, Ed, for your
15 comments.

16 **UNIDENTIFIED:** May I (unintelligible) the Board,
17 please?

18 **DR. ZIEMER:** Who -- who would -- who wishes to go
19 next?

20 **MS. WILEY:** Me, Shirley Wiley.

21 **UNIDENTIFIED:** (Unintelligible) dogs barking and two
22 toilets flushed.

23 **MS. WILEY:** I do.

24 **DR. ZIEMER:** Okay, I'm getting multiple people on the
25 line here. We have to go one at a time.

1 **UNIDENTIFIED:** I don't know, some people either (a)
2 don't get it or (b) don't have the mute
3 capability.

4 **MR. (UNINTELLIGIBLE):** Thank you for your time.

5 **DR. ZIEMER:** Thank you. Who wishes to speak next?

6 **UNIDENTIFIED:** Hello?

7 **MS. WILEY:** Shirley Wiley.

8 **DR. ZIEMER:** Shirley Wiley?

9 **MS. WILEY:** Yes. I would like to address your
10 termination date of August 3rd, 2005 that the
11 Advisory Board is not (unintelligible) out by
12 appropriation that you are no longer in
13 existence. If that happens and we're still in
14 -- doing this and you're gone?

15 **DR. ZIEMER:** I don't know the answer to that, but I -
16 - I think you can expect that -- that the
17 Advisory Board and the other parts of the
18 program will continue. I don't know if NIOSH
19 or Labor can speak to that issue or not.

20 **DR. WADE:** It's certainly our intention to see it
21 continue, yes.

22 **DR. ZIEMER:** Okay. Thank you, Shirley. Next?

23 **MS. KEEBER:** Yes, this is Vicki Keeber from
24 Gladstone*, Illinois. My parents both worked
25 at the Iowa Ammunition Plant and with

1 Burlington. On the information that we're
2 trying to get from the National Personnel
3 Records Center in St. Louis, Missouri, they are
4 pretty reluctant on sending out information.
5 Do you have any suggestions on how to get
6 further information from them?

7 **DR. ZIEMER:** NIOSH or Labor, can you answer this
8 question or give us a reference that she can
9 contact?

10 (No responses)

11 **DR. ZIEMER:** Larry, who should she contact or...

12 **MR. ELLIOTT:** Hello?

13 **MS. KEEBER:** Hello?

14 **MR. ELLIOTT:** Sorry, I stepped out of the room.

15 **DR. ZIEMER:** Oh.

16 **MR. ELLIOTT:** Neton can answer the question.

17 **DR. NETON:** Is the question who she can contact that
18 can get help in getting information from the
19 Federal Records Center? Was that
20 (unintelligible)?

21 **MS. KEEBER:** Yes. I -- they've sent back information
22 three or four different times, and they had
23 wanted the death certificates of my mother and
24 father and I sent those, and then they still
25 say that they need further information. Well,

1 I don't know how much further information I can
2 give them on their death than a death
3 certificate.

4 **DR. NETON:** Yeah, I'm not sure what -- how we could
5 help you with that. I mean it's their
6 requirements, it sounds like, that they're
7 imposing. I -- frankly, I don't know what to
8 tell you.

9 **MS. KEEBER:** Well, I mean this is information that I
10 also feel is pertinent, you know, to our claim.

11 **DR. NETON:** Uh-huh.

12 **MS. KEEBER:** I really don't know, you know, how to
13 get any further information from them.

14 **DR. ZIEMER:** This is a Federal Records Center?

15 **MS. KEEBER:** Yes.

16 **MR. ELLIOTT:** I guess we can't help you. All we can
17 say is you are going to have to follow their
18 procedures and their requirements. That's all
19 we know.

20 **UNIDENTIFIED:** Ma'am, may I make a suggestion to you?

21 **MS. KEEBER:** Yes.

22 **MR. HORGAN:** This is Tom Horgan from Senator Bond's
23 office. Have you contacted any of your
24 representatives in the Illinois delegation,
25 either Senator Durbin, Obama or anybody to help

1 you with this information?

2 **MS. KEEBER:** No, I haven't.

3 **MR. HORGAN:** I would strongly suggest that you write
4 a letter to them, call them and see if they can
5 be helpful in getting you a proper response
6 that you might be able to need in terms of what
7 information -- further information is provided.
8 That may help expedite the process a little
9 bit.

10 **DR. ZIEMER:** A good suggestion.

11 **MS. KEEBER:** Oh, okay.

12 **MR. HORGAN:** And Dr. Ziemer -- this is Tom Horgan, I
13 don't -- I don't want to cut into public
14 comment, but I'm going to have to head on out
15 of here. I just want to say thanks a lot for
16 having this conference call for everyone
17 involved in both Missouri and Iowa, and I know
18 that in terms of the next meeting in Cedar
19 Rapids, I'm going to try to get there and we
20 hope that Senator Bond will -- if Senator
21 Harkin and Senator Grassley are going to make a
22 statement, I think Senator Bond would like to
23 read a statement. And the only thing that I
24 could suggest is that any -- if -- it seems to
25 me that it would be a good idea to try to get

1 the -- SC&A to help -- the contractor help and
2 assist in these SEC reviews. I know it was
3 talked about at a meeting last August and
4 (unintelligible) it wasn't needed, but anything
5 that we can do to try to process and facilitate
6 this -- this whole process I think would be
7 helpful and --

8 **DR. ZIEMER:** Yeah. Well, as we indicated in our
9 discussion a little earlier that we are in the
10 process of putting in place a task order for
11 that very purpose.

12 **MR. HORGAN:** Sounds good. Sounds good.

13 **DR. ZIEMER:** Thank you, Tom.

14 **MR. HORGAN:** Well, I'm going to head -- I have to run
15 to another meeting, but thanks again for having
16 this conference call so that everybody could
17 attend.

18 **DR. ZIEMER:** Right. Other members of the public who
19 wish to speak?

20 **UNIDENTIFIED:** Hello?

21 **DR. ZIEMER:** Yes.

22 **UNIDENTIFIED:** Can you hear me?

23 **DR. ZIEMER:** Yes. Please identify yourself and --

24 **MS. LOVING:** My name is --

25 **DR. ZIEMER:** -- (unintelligible) comment.

1 **MS. LOVING:** -- (unintelligible) Loving and my father
2 was Wendell D. Pirtle (unintelligible) worked
3 there for a period of about seven years. My
4 father passed away a week ago yesterday from
5 his cancer and I had hoped and prayed that he
6 would live long enough to get to see this come
7 through so that he could get some good out of
8 it instead of his granddaughters, but I guess
9 that didn't work. But I'm just so extremely
10 angry with this. I've worked on this for five
11 years for them and right now I'm just so angry
12 there's not words to convey how I feel about
13 this.

14 **DR. ZIEMER:** Yeah, it's understandable. We certainly
15 -- I give you our sympathy.

16 **MS. LOVING:** Yeah. Well, I -- and I understand the
17 meeting is going to be April 25th in Cedar
18 Rapids?

19 **DR. ZIEMER:** That's correct.

20 **MS. LOVING:** And (unintelligible) --

21 **DR. ZIEMER:** 25th and --

22 **MS. LOVING:** -- location --

23 **DR. ZIEMER:** -- 6th and 7th. We'll be there for
24 three days.

25 **MS. LOVING:** 5th, 6th and 7th?

1 **DR. ZIEMER:** Right.

2 **MS. LOVING:** And do you know the location?

3 **DR. ZIEMER:** Let's see -- Cori Homer, can you tell us
4 the location? It's a hotel.

5 **MS. HOMER:** We're going to be at the Crowne Plaza
6 Five Seasons.

7 **MS. LOVING:** Okay.

8 **MS. HOMER:** And that would be on 350 -- 350 First
9 Avenue.

10 **MS. LOVING:** I know where that's at and so -- and the
11 IAAP section, what -- what day and what time is
12 that?

13 **DR. ZIEMER:** We will be starting after lunch, it'd be
14 1:00 o'clock on Tuesday the 26th and plus a
15 public comment session that evening, and then
16 through the morning -- through the noon hour on
17 the 27th.

18 **MS. LOVING:** Okay. I -- I (unintelligible) Dad's
19 life I promised him that I would see this
20 through and I intend to keep that promise for
21 him because it's just not right that these
22 people don't see any (unintelligible) from it
23 and they're all dying off, and it's their
24 families that benefit -- which they should, but
25 it should have been my father that got to see

1 the good out of this money. And I just am so
2 extremely angry --

3 **DR. ZIEMER:** Hopefully you'll be able to attend those
4 meetings --

5 **MS. LOVING:** Oh, I will --

6 **DR. ZIEMER:** -- in Cedar Rapids.

7 **MS. LOVING:** -- be there.

8 **DR. ZIEMER:** Good.

9 **MS. LOVING:** I will be there.

10 **DR. ZIEMER:** Thank you.

11 **MS. LOVING:** Thank you.

12 **DR. ZIEMER:** Are there other members of the public
13 who wish to speak?

14 **MR. ANDERSON:** Bob Anderson (unintelligible).

15 **DR. ZIEMER:** Bob, yes.

16 **MR. ANDERSON:** I also want to echo the last caller in
17 -- since I wrote the letter in '97 over 400
18 people have passed away that have been -- could
19 have been affected or benefited from this
20 measure. And if we take longer to solve or
21 come to conclusion again, more people are
22 dying. So I -- I urge everyone to do their
23 best, to work their hardest and I hope that we
24 can see a conclusion this time in Cedar Rapids.
25 That's all.

1 **DR. ZIEMER:** Thank you, Bob, for your input on that.

2 Any others?

3 **UNIDENTIFIED:** I did not get the hotel. Sorry.

4 **DR. ZIEMER:** Crowne Plaza Hotel, was it, Cori?

5 **MS. HOMER:** Yes, Crowne Plaza Five Seasons.

6 **UNIDENTIFIED:** Five Seasons, okay. I thank you.

7 **MS. HOMER:** You're welcome.

8 **DR. ZIEMER:** Any others who wish to make comment?

9 **MS. BROCK:** This is Denise Brock. I'd like to --

10 **DR. ZIEMER:** Hi, Denise.

11 **MS. BROCK:** Hi. I would like to thank the Board for
12 their hard work and their diligence and I would
13 also like to thank SC&A and NIOSH, as well, Dr.
14 Wade, for having this meeting. I'd just like
15 to thank everybody involved in this for their
16 hard work and look forward to seeing everybody
17 in Iowa.

18 **DR. ZIEMER:** Okay. Thank you.

19 **DR. MCKEEL:** Dr. Ziemer, this is Dan McKeel from St.
20 Louis.

21 **DR. ZIEMER:** Yes, Dan.

22 **DR. MCKEEL:** I just have a comment about transparency
23 which relates to the issue that was central at
24 the February meetings (unintelligible) the
25 content of the six boxes of new information

1 that basically has delayed the decision on the
2 Mallinckrodt SEC 00122. And my -- my comment,
3 I guess, since we can't ask questions, is I
4 didn't hear any comment today about whether the
5 report has been delivered to the Board or what
6 was in those boxes, and in particular is that
7 information available to the public. I sent a
8 FOIA request to obtain an index of that
9 information back in March the 10th and I have
10 received no -- no reply to date. So I -- it's
11 just a comment that that --

12 **DR. ZIEMER:** Well, I think we can get a status in--
13 report for you here. What -- Lew or Larry, can
14 you tell us what's available for Dan -- or for
15 the public from -- from those documents? Or
16 any -- any of the NIOSH folks.

17 **DR. WADE:** Larry, I -- is Larry on?

18 **MR. ELLIOTT:** Yes, I'm on, and the -- the supplement
19 to the evaluation report for Mallinckrodt's SEC
20 petition spoke to the contents of -- I believe
21 it was -- actually turned out to be five boxes,
22 and Dr. McKeel, I think your -- your FOIA
23 request or your -- your request for information
24 on that is still in the process of being
25 responded to. We have provided to the

1 petitioners, as well as the Board, the
2 supplement to the evaluation report, as well as
3 the revised site profile and also a listing of
4 all of the documents that are relevant to
5 Mallinckrodt Destrehan Street. And I intend to
6 have a phone conversation with the petitioners
7 hopefully this week, now that they've had that
8 in their hands for a little bit of time, so
9 that we can address any questions or concerns
10 they have about what we have presented there.

11 **DR. NETON:** This is Jim Neton. I might add that the
12 supplement to the SEC petition evaluation
13 report is on our web site, as well, so you
14 could go there and find a description -- a
15 discussion of the boxes.

16 **MS. BROCK:** And this is Denise Brock. Dr. McKeel, if
17 you would like to -- I had talked to Kay the
18 other day. If you would like to come over to
19 my house, I actually have that and we can also
20 go through the boxes that I have because I
21 think a lot of that could be just duplicative.
22 We -- we can go through the list and my boxes
23 together, if you'd like.

24 **DR. MCKEEL:** Thank you.

25 **DR. ZIEMER:** Okay. Dan, did that answer your

1 inquiry?

2 **DR. MCKEEL:** Well, I guess -- in a way it does, yes,
3 but the -- of course the other issue is the
4 response time to my FOIA request, which I guess
5 is forth-- forthcoming, so I appreciate that.

6 **DR. ZIEMER:** Okay.

7 **DR. MCKEEL:** Thank you.

8 **DR. ZIEMER:** Are there other members of the public
9 who have comments?

10 **MS. DORNFELD:** Only a quick one -- this is Debbie
11 Dornfeld, Senator Jim Talent's office.

12 **DR. ZIEMER:** Yes, uh-huh.

13 **MS. DORNFELD:** I just wanted to say thank you,
14 appreciate the opportunity to be a part of the
15 call, and just appreciate the Board's continued
16 hard work.

17 **DR. ZIEMER:** Thank you very much for that comment.

18 **MS. BROCK:** And thank you, Debbie, and Jim Mitas, as
19 well. I'm sorry, this is Denise Brock. I
20 forgot to thank you all earlier. Thank you so
21 much for -- for listening.

22 **MR. MITAS:** Dr. Ziemer and --

23 **DR. ZIEMER:** Yes.

24 **MR. MITAS:** -- the Board, this is Jim Mitas with
25 Congressman Akin. We do appreciate your very

1 hard work and your (unintelligible) on this
2 issue. I know it's been a long
3 (unintelligible) for you all and you're having
4 to deal with legislative requirements as well
5 as (unintelligible) responsive to the hundreds
6 of folks who have -- are waiting for a finding.
7 So we thank you for your hard work in this and
8 applaud your -- your work. Thank you so much.

9 **DR. ZIEMER:** Thank you very much for that comment.
10 Others?

11 **MS. GRAHAM:** Dr. Ziemer, this is Paula Graham. I
12 want to --

13 **DR. ZIEMER:** Yes, Paula.

14 **MS. GRAHAM:** -- thank you and the Board for all the
15 work you're doing and we appreciate it and
16 we're thankful that we're going to have a
17 chance to talk together in Cedar Rapids
18 (unintelligible).

19 **DR. ZIEMER:** Okay. Thank you. Do I have any other
20 members of the public who wish to comment?

21 **MS. ZIMMERMAN:** Dr. Ziemer, this is Sue from
22 Congressman Leach's office. I just --

23 **DR. ZIEMER:** Yes, Sue.

24 **MS. ZIMMERMAN:** -- want to thank you very much.

25 **DR. ZIEMER:** Okay. Thank you. Anyone else?

1 (No responses)

2 **DR. ZIEMER:** Board members, any final comments before
3 we adjourn?

4 **MR. PRESLEY:** Yes, this is Bob Presley. I have a
5 question for Mark.

6 **DR. ZIEMER:** Go ahead, Bob.

7 **MR. PRESLEY:** Mark, are you on there? Did you get a
8 car or are you going to be riding with me this
9 afternoon?

10 **DR. ZIEMER:** We may have lost Mark, but -- Bob, you
11 okay?

12 **MR. PRESLEY:** I'm here.

13 **DR. ZIEMER:** I didn't hear Mark reply. You guys may
14 have to work that out separately.

15 Board members, any other comments?

16 (No responses)

17 **DR. ZIEMER:** If not, I'll declare the meeting
18 adjourned and we'll look forward to seeing
19 everyone in Cedar Rapids, April 25th.

(Whereupon, the teleconference was adjourned at
11:12 a.m.)

C E R T I F I C A T E O F C O U R T R E P O R T E R**STATE OF GEORGIA****COUNTY OF FULTON**

I, Steven Ray Green, Certified Merit Court Reporter, do hereby certify that I reported the above and foregoing on the day of April 11, 2005; and it is a true and accurate transcript of the testimony captioned herein.

I further certify that I am neither kin nor counsel to any of the parties herein, nor have any interest in the cause named herein.

WITNESS my hand and official seal this the 3rd day of May, 2005.

STEVEN RAY GREEN, CCR

CERTIFIED MERIT COURT REPORTER**CERTIFICATE NUMBER: A-2102**